



2016/0379(COD)

25.9.2017

AMENDMENTS

130 - 473

Draft report

Krišjānis Kariņš

(PE597.757v01-00)

Internal market for electricity (recast)

Proposal for a regulation

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

Amendment 130
Claude Turmes
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) *The achievement of the internal energy market is not a final goal in itself but an effective instrument to reach the EU climate and energy targets for 2030 and 2050, notably the integration of a nearly 100% share of renewable energy sources in the power system as the only sustainable pathway to comply with the climate objectives deriving from the Paris Accord to hold the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels.*

Or. en

Justification

According to the enlargement of the scope of the Regulation in Article 1 a) and b) to include a special focus on renewable energy sources, the above provisions need to be added to place the addition in the adequate context.

Amendment 131
Claude Turmes
on behalf of the Verts/ALE Group

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 132

Kaja Kallas, Pavel Telička, Fredrick Federley, Morten Helveg Petersen, Angelika Mlinar, Carolina Punset, Gerben-Jan Gerbrandy

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 ***and be empowered to manage their energy consumption.*** 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 ***and of digitalisation through the integration of innovative technologies with the electricity system.*** To achieve effective decarbonisation at lowest cost, it also needs to encourage energy efficiency.

Or. en

Amendment 133

Pervenche Berès, Edouard Martin

Proposal for a regulation

Recital 5

Text proposed by the Commission

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.

(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 to drive investments on the long term*.

Or. en

Justification

Market signal should be strengthened and should give incentives and instruments for market operators and investors.

Amendment 134

Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Eugen Freund, Patrizia Toia, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López, Edouard Martin

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 135 Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) *This Regulation should allow the Union, if it decides to do so, in the next Multiannual Financial Framework, to collect levies on electricity trading in order to secure an additional stream of own resources.*

Or. en

Justification

This Amendment is linked to Article 16, § 1, 16 § 6 and Article 46.

Amendment 136

Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Eugen Freund, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López, Edouard Martin

Proposal for a regulation
Recital 7

Text proposed by the Commission

Amendment

(7) Regulatory frameworks have developed, allowing electricity to be traded across the Union. That development has been supported by the adoption of several network codes and guidelines for the integration of the electricity markets. Those network codes and guidelines contain provisions on market rules, system operation and network connection. To ensure full transparency and increase legal certainty, the main principles of market functioning and capacity allocation in the balancing, intraday, day ahead and forward market timeframes should also be adopted pursuant to the ordinary legislative procedure and incorporated in a single act.

(7) Regulatory frameworks have developed, allowing electricity to be traded across the Union. That development has been supported by the adoption of several network codes and guidelines for the integration of the electricity markets. Those network codes and guidelines ***for precise and technically detailed rules with cross-border relevance*** contain provisions on market rules, system operation and network connection. To ensure full transparency and increase legal certainty, the main principles of market functioning and capacity allocation in the balancing, intraday, day ahead and forward market timeframes should also be adopted pursuant to the ordinary legislative procedure and incorporated in a single act.

Amendment 137**Kathleen Van Brempt, Ivo Belet****Proposal for a regulation****Recital 8***Text proposed by the Commission*

(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.

Amendment

(8) Core market principles should set out that electricity prices are to be determined through demand and supply. ***While respecting principles of solidarity and fair distribution of costs***, 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 138**Paul Rübzig****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

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. ***In order to facilitate the roll-out of energy storage solutions, the Member States should take steps to***

the basis for the Union's electricity markets of the future, a renewed focus on short-term markets and scarcity pricing is essential.

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.

Or. en

Amendment 139
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.

Or. en

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 140

Pavel Telička

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 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, scarcity pricing *as well as technology neutral approach* is essential.

Or. en

Amendment 141

Pavel Telička

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,

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 reliable and stable prices for final customers, *in particular* households *and SMEs*.

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Or. en

Amendment 142
Marian-Jean Marinescu

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

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Or. en

Amendment 143

Paul Rübige

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*.

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(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, *SMEs and industry*.

Or. en

Amendment 144

Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Patrizia Toia, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López

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 *react to market signals and 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 administrative and implicit price caps are removed to allow scarcity *pricing*. When fully embedded in the market structure, short-term markets and scarcity pricing will contribute to the removal of other *market distortive* 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.

Or. en

Amendment 145

Kaja Kallas, Morten Helveg Petersen, Angelika Mlinar, Carolina Punset

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) Derogations to fundamental market principles such as balancing responsibility, market-based dispatch, or curtailment and redispatch reduce flexibility signals and act

Amendment

(11) Derogations to fundamental market principles such as balancing responsibility, market-based dispatch, or curtailment and redispatch reduce flexibility signals and act

as barriers to the development of solutions such as storage, demand response or aggregation. ***While derogations are still necessary to avoid unnecessary administrative burden for certain actors, in particular households and SMEs, broad derogations covering entire technologies are not consistent with the objective of achieving market-based and efficient decarbonisation and should thus be replaced by more targeted measures.***

as barriers to the development of solutions such as storage, demand response or aggregation. ***Broad derogations covering entire technologies are not consistent with the objective of achieving market-based and efficient decarbonisation and should therefore only be maintained for installations that were benefiting from these derogations before the entering into force of this Regulation in order to avoid the negative impact of retroactivity measures. Member states should at the same time ensure full access to all market participants to competitive balancing markets and high transparency of curtailment and redispatch measures in order for the energy market to function.***

Or. en

Amendment 146

Pavel Telička

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) Derogations to fundamental market principles such as balancing responsibility, market-based dispatch, or curtailment and redispatch reduce flexibility signals and act as barriers to the development of solutions such as storage, demand response or aggregation. ***While derogations are still necessary to avoid unnecessary administrative burden for certain actors, in particular households and SMEs,*** broad derogations covering entire technologies are not consistent with the objective of achieving market-based and efficient decarbonisation and should thus be replaced by more targeted measures.

Amendment

(11) Derogations to fundamental market principles such as balancing responsibility, market-based dispatch, or curtailment and redispatch reduce flexibility signals and act as barriers to the development of solutions such as storage, demand response or aggregation. Broad derogations covering entire technologies are not consistent with the objective of achieving market-based and efficient decarbonisation and should thus be replaced by more targeted measures.

Or. en

Amendment 147
Edouard Martin, Pervenche Berès

Proposal for a regulation
Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) Contractual long term hedging offer already exists on the electricity European market, but such offer is practically restricted to mid-term hedging contracts, without exceeding three to four years. This reflects a market failure hindering certain operators which request a long term visibility to ensure the viability of their business model. This is particularly true for the electro-intensive industrial consumers, knowing that they are in the same time able to contribute significantly to balancing the electricity market and to managing efficiently the transportation system, notably through demand side response. Long term supply contracts offer can cope with a market failure.

Or. en

Justification

This is necessary for pressing reasons relating to the internal logic of the text or because the amendments are inextricably linked to other admissible amendments

Amendment 148
Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Eugen Freund, Patrizia Toia, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López

Proposal for a regulation
Recital 12

Text proposed by the Commission

Amendment

(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

(12) The precondition for effective competition in the internal market in electricity is non-discriminatory, transparent ***and adequate*** charges for network use including interconnecting

transmission system. The available capacity of those lines should be set at the maximum levels consistent with the safety standards of secure network operation.

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

Justification

This amendment is intrinsically linked to other amendments tabled to provisions which have been modified by the Commission

Amendment 149 **Carolina Punset**

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

Justification

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

Amendment 150 **Paul Rübzig**

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 151

Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Jens Geier, Eugen Freund, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López

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***.

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 ***involving all relevant stakeholders***. 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

In particular, cross-zonal capacity should not be reduced in order to resolve internal congestion.

zones should be as stable, liquid and large as possible also taking into account structural congestion.

Or. en

Amendment 152

Martina Werner, Peter Kouroumbashev, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Eugen Freund, Patrizia Toia, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López

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 *of renewable energy and the increase of flexibility sources such as flexible generation, interconnection, demand response or storage* requires *large, liquid and stable bidding zones and* 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 153

Pervenche Berès, Edouard Martin

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

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.

customers to fully benefit from the advantages of integrated electricity markets and competition. *It also requires to set up a complementary secure environment for capital intensive long term investment in clean energy.*

Or. en

Justification

Electricity market should give incentives and a secure environment to invest.

Amendment 154

Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Patrizia Toia, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López

Proposal for a regulation

Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) According to the modelling of the European Commission, reaching the EU's 2030 climate and energy targets in a cost-effective way would imply a reduction in the use of coal in power generation by 65 percent and a decommissioning of roughly half of the current coal fleet [EU COM 2011, Impact Assessment on EU 2050 Roadmap, "Diversified technologies scenarios"].

Or. en

Amendment 155

Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Eugen Freund, Patrizia Toia, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López, Edouard Martin

Proposal for a regulation

Recital 15 b (new)

Text proposed by the Commission

Amendment

(15b) It is crucial to put in place an enabling framework for a just transition towards a decarbonised and flexible electricity system. A long-term and consensual framework for the progressive phase-out of carbon-intensive and inflexible generation capacity at national level will allow for a just and gradual transition for employees and regions, for power plant and mining operators and for investors.

Or. en

Amendment 156

Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López

Proposal for a regulation

Recital 15 c (new)

Text proposed by the Commission

Amendment

(15c) A long-term and consensual framework allows Member States to plan ahead at national level for the structural social and economic changes associated with the progressive phase-out of coal for power-generation, since the EU ETS is only addressing cost-effective reductions of greenhouse gas emissions from the power sector, but not the broader social and economic changes associated with retiring coal-generating capacity, particularly where linked to mining activities.

Or. en

Amendment 157

Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Eugen Freund, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López

Proposal for a regulation

Recital 15 d (new)

Text proposed by the Commission

Amendment

(15d) *The managed and planned retirement of coal-fired capacity would help to improve the functioning of electricity markets, in addition to benefits for health, clean air and climate protection. The European institutions should support Member States that decide to actively phase down or phase out coal-fired generation, assisting them with the management of the economic and societal costs, particularly for Member States with low GDP per capita.*

Or. en

Amendment 158

Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López

Proposal for a regulation

Recital 17

Text proposed by the Commission

Amendment

(17) The management of congestion problems should provide correct economic signals to transmission system operators and market participants and should be based on market mechanisms.

(17) The management of congestion problems should provide correct economic signals to transmission system operators and market participants and should be based on market mechanisms. ***The measures to overcome congestions problems should not negatively impact the liquidity of trade in wholesale markets.***

Or. en

Justification

This amendment is intrinsically linked to other amendments tabled to provisions which have been modified by the Commission

Amendment 159

Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López

Proposal for a regulation
Recital 24

Text proposed by the Commission

(24) To better ensure optimum investment in the trans-European grid and address the challenge where viable interconnection projects cannot be built for lack of prioritisation at national level, the use of congestion rents should be ***reconsidered and only allowed in order*** to guarantee availability and maintain or increase interconnection capacities.

Amendment

(24) To better ensure optimum investment in the trans-European grid and address the challenge where viable interconnection projects cannot be built for lack of prioritisation at national level, the use of congestion rents should be ***used*** to guarantee availability and maintain or increase interconnection capacities.

Or. en

Amendment 160

Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Jens Geier, Eugen Freund, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López

Proposal for a regulation
Recital 26

Text proposed by the Commission

(26) A robust ***medium to*** long-term Union level resource adequacy assessment should be carried out by the ENTSO for Electricity to provide an objective basis for the assessment of adequacy concerns. The resource adequacy concern that capacity mechanisms address should be based on the EU assessment.

Amendment

(26) A robust ***methodology for the*** long-term Union level resource adequacy assessment should be carried out by the ENTSO for Electricity to provide an objective basis for the assessment of adequacy concerns ***at the Union, regional and Member State level***. The resource adequacy concern that capacity mechanisms address should be based on the EU assessment. ***Capacity mechanisms should only be allowed to be introduced if the Union level resource adequacy assessment has identified adequacy concerns.***

Or. en

Amendment 161

Massimiliano Salini, Aldo Patriciello

Proposal for a regulation

Recital 27

Text proposed by the Commission

(27) The medium to long-term resource adequacy assessment (from 10 year-ahead to year-ahead) set out in this regulation has a different purpose than the seasonal outlooks (six months ahead) as set out in Article 9 [Regulation on risk preparedness as proposed by COM(2016) 862]. Medium- to long-term assessments are mainly used to assess the ***need for capacity mechanisms*** whereas seasonal outlooks are used to alert to risks that might occur in the following six months that are likely to result in a significant deterioration of the electricity supply situation. In addition, Regional ***Operational*** Centres also carry out regional adequacy assessments as defined in European legislation on electricity transmission system operation. These are very short-term adequacy assessments (from weak-ahead to day-ahead) used in the context of system operation.

Amendment

(27) The medium to long-term resource adequacy assessment (from 10 year-ahead to year-ahead) set out in this regulation has a different purpose than the seasonal outlooks (six months ahead) as set out in Article 9 [Regulation on risk preparedness as proposed by COM(2016) 862]. Medium- to long-term assessments are mainly used to assess the ***resource adequacy at EU level based on national assessments*** whereas seasonal outlooks are used to alert to risks that might occur in the following six months that are likely to result in a significant deterioration of the electricity supply situation. In addition, Regional ***Coordination*** Centres also carry out regional adequacy assessments as defined in European legislation on electricity transmission system operation. These are very short-term adequacy assessments (from weak-ahead to day-ahead) used in the context of system operation.

Or. en

Amendment 162

Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López

Proposal for a regulation

Recital 27

Text proposed by the Commission

(27) The ***medium to*** long-term resource adequacy assessment (from 10 year-ahead to year-ahead) set out in this regulation has a different purpose than the seasonal outlooks (six months ahead) as set out in

Amendment

(27) The ***methodology for the*** long-term resource adequacy assessment (from 10 year-ahead to year-ahead) set out in this regulation has a different purpose than the seasonal outlooks (six months ahead) as set

Article 9 [Regulation on risk preparedness as proposed by COM(2016) 862]. Medium- to long-term assessments are mainly used to **assess the need for capacity mechanisms** whereas seasonal outlooks are used to alert to risks that might occur in the following six months that are likely to result in a significant deterioration of the electricity supply situation. In addition, Regional **Operational** Centres also carry out regional adequacy assessments as defined in European legislation on electricity transmission system operation. These are very short-term adequacy assessments (from weak-ahead to day-ahead) used in the context of system operation.

out in Article 9 [Regulation on risk preparedness as proposed by COM(2016) 862]. Medium- to long-term assessments are mainly used to **identify adequacy concerns** whereas seasonal outlooks are used to alert to **short-term** risks that might occur in the following six months that are likely to result in a significant deterioration of the electricity supply situation. In addition, Regional **Coordination** Centres also carry out regional adequacy assessments as defined in European legislation on electricity transmission system operation. These are very short-term adequacy assessments (from weak-ahead to day-ahead) used in the context of system operation.

Or. en

Amendment 163
Fulvio Martusciello

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) 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.

Or. en

Amendment 164
Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Eugen Freund, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López

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 ***to overcome any adequacy concerns identified by the Union level resource adequacy assessment***, Member States should assess regulatory distortions contributing to the related resource adequacy concern. They should be required to ***draw up an implementation plan and adopt concrete measures on how to eliminate the identified distortions. The implementation plan should be made public and should be regularly reviewed by the Commission and the Agency.***

Or. en

Amendment 165
Massimiliano Salini, Aldo Patriciello

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 ***and market*** distortions contributing to the related resource adequacy concern. They should be required to ***draw up an implementation plan with concrete measures to address the effects of the identified distortions. The implementation plan should be made public and should be regularly reviewed by the Commission and the Agency.***

Or. en

Amendment 166

Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Eugen Freund, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López

**Proposal for a regulation
Recital 28 a (new)**

Text proposed by the Commission

Amendment

(28a) Member States should only introduce capacity mechanisms as a last resort, where adequacy concerns cannot be addressed through the removal of existing market distortions. Before introducing a capacity mechanism which operates within the electricity market and therefore is market-distortive, Member States should evaluate whether strategic reserves would be sufficient to address their adequacy concerns. Strategic reserves are less distortive since they operate only outside the market and only in rare cases when markets can no longer clear, which would lead to financial consequences to market operators not fulfilling their balancing responsibilities and consequently bear a significant cost.

Or. en

Amendment 167

Martina Werner, Peter Kouroumbashev, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López

**Proposal for a regulation
Recital 29**

Text proposed by the Commission

Amendment

(29) Member States intending to introduce capacity mechanisms should derive resource adequacy targets following a transparent and verifiable process.
Member States should have the freedom to set their own desired level of security of supply.

(29) Member States intending to introduce capacity mechanisms should derive resource adequacy targets following a transparent and verifiable process.
National regulatory authorities should set the required level of security of supply.

Or. en

Amendment 168
Massimiliano Salini, Aldo Patriciello

Proposal for a regulation
Recital 30

Text proposed by the Commission

(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.

Amendment

(30) Main principles of capacity mechanisms ***are*** 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 ***were approved*** in light of these principles. 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 169
Fulvio Martusciello

Proposal for a regulation
Recital 30

Text proposed by the Commission

(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***

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. ***The design of capacity mechanisms should incorporate long-term price signals in order to reduce investor risk and related capital and financing***

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.

costs, notably by introducing appropriate and sufficiently long lead times and contract durations. 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 170

Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Patrizia Toia, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López

Proposal for a regulation

Recital 30

Text proposed by the Commission

(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.

Amendment

(30) Main principles of capacity mechanisms should be laid down *in this Regulation*, 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.

Or. en

Amendment 171

Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Patrizia Toia, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López

Proposal for a regulation
Recital 30 a (new)

Text proposed by the Commission

Amendment

(30a) For the further decarbonisation of the electricity system and in line with the 2030 climate and energy framework, capacity mechanisms that operate within the electricity market should apply an emission performance standard in line with the Council conclusions of 16 December 2014 and 25th July 2013 where Member States called for the phase-out of subsidies for fossil fuels.

Or. en

Amendment 172

Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Eugen Freund, Miroslav Poche

Proposal for a regulation
Recital 30 b (new)

Text proposed by the Commission

Amendment

(30b) To allow for a fair transition towards a low-carbon electricity system, the emission performance standard should not apply to strategic reserves that operate outside the electricity market and that are only used exceptionally. In this way the most polluting generating installations currently regularly operating on the market could be encouraged to enter strategic reserves.

Or. en

Amendment 173

Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Eugen Freund, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López

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 other than **strategic reserves** should be laid down **in this regulation**. Transmission system operators across the borders should facilitate **the participation of interested generators** in capacity mechanisms in other Member States. Therefore, they should calculate capacities up to which cross-border participation would be **technically possible taking into account the interconnection capacity between the concerned Member States**, enable participation and check availabilities. National regulatory authorities should enforce the cross-border rules in the Member States.

Or. en

Amendment 174

Pavel Telička

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.

Amendment 175

Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Patrizia Toia, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López

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 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.

Amendment

(32) In view of differences in national energy systems and technical limitations of existing electricity networks, the best **and most cost-effective** approach to achieving progress in market integration will often be at a regional level. Regional 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 176

Angelika Niebler, Sven Schulze

Proposal for a regulation**Recital 33***Text proposed by the Commission*

(33) The coordination between transmission system operators at regional level has been formalised with the mandatory participation of transmission system operators in regional security coordinators, which should be complemented by an enhanced

Amendment

deleted

institutional framework via the establishment of regional operational centres. The creation of regional operational centres should take into account existing regional coordination initiatives and support the increasingly integrated operation of electricity systems across the Union, ensuring their efficient and secure performance.

Or. de

Justification

It is not at all clear how much value would be added by creating regional operational centres. The ENTSO for electricity is an existing grouping of transmission system operators at EU level. An additional body would result in a disproportionately high administrative and bureaucratic burden. Duplicate structures must be avoided. The reference to regional operational centres should be deleted from the proposal for a regulation.

Amendment 177

Martina Werner, Carlos Zorrinho, Miapetra Kumpula-Natri, Miroslav Poche, Edouard Martin

Proposal for a regulation

Recital 33

Text proposed by the Commission

(33) The coordination between transmission system operators at regional level has been formalised with the mandatory participation of transmission system operators in regional security coordinators, *which* should be complemented by an enhanced institutional framework via *the establishment of* regional *operational* centres. The creation of regional *operational* centres should take into account existing regional coordination initiatives and support the increasingly integrated operation of electricity systems across the Union, ensuring their efficient and secure performance.

Amendment

(33) The coordination between transmission system operators at regional level has been formalised with the mandatory participation of transmission system operators in regional security coordinators *pursuant to the multilateral agreement on regional operational security coordination. This formalised coordination between transmission system operators at regional level should be transposed to Union legislation within this Regulation. The regional security coordinators* should be complemented by an enhanced institutional framework via *their upgrade to regional coordination* centres. The creation of regional *coordination* centres should take into account existing regional coordination

initiatives and support the increasingly integrated operation of electricity systems across the Union, ensuring their efficient and secure performance.

Or. en

Amendment 178
Pavel Telička

Proposal for a regulation
Recital 33

Text proposed by the Commission

(33) The coordination between transmission system operators at regional level has been formalised with the mandatory participation of transmission system operators in regional security coordinators, which should be complemented by an enhanced institutional framework via the establishment of regional **operational** centres. The creation of regional **operational** centres should **take into account** existing regional coordination initiatives and support the increasingly integrated operation of electricity systems across the Union, ensuring their efficient and secure performance.

Amendment

(33) The coordination between transmission system operators at regional level has been formalised with the mandatory participation of transmission system operators in regional security coordinators, which should be complemented by an enhanced institutional framework via the establishment of regional **coordination** centres. The creation of regional **coordination** centres should **be based on** existing regional coordination initiatives and support the increasingly integrated operation of electricity systems across the Union, ensuring their efficient and secure performance.

Or. en

Justification

Title of the newly established entity should be changed to "regional coordination centres"; this title should be used throughout the proposal for Regulation.

Amendment 179
Angelika Niebler, Sven Schulze

Proposal for a regulation
Recital 34

Text proposed by the Commission

Amendment

(34) The geographical scope of regional operational centres should allow them to play an effective coordination role by optimising the operations of transmission system operators over larger regions.

deleted

Or. de

Justification

It is not at all clear how much value would be added by creating regional operational centres. The ENTSO for electricity is an existing grouping of transmission system operators at EU level. An additional body would result in a disproportionately high administrative and bureaucratic burden. Duplicate structures must be avoided.

Amendment 180

Pavel Telička

Proposal for a regulation

Recital 34

Text proposed by the Commission

(34) The geographical scope of regional **operational** centres should allow them to play an effective coordination role by optimising the operations of transmission system operators over larger regions.

Amendment

(34) The geographical scope of regional **coordination** centres should allow them to play an effective coordination role by optimising the operations of transmission system operators over larger regions. **Geographically balanced representation and equitable treatment between members should be ensured.**

Or. en

Justification

Title of the newly established entity should be changed to "regional coordination centres"; this title should be used throughout the proposal for Regulation.

Amendment 181

Martina Werner, Peter Kouroumbashev, Carlos Zorrinho, Miapetra Kumpula-Natri, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López, Edouard Martin

Proposal for a regulation

Recital 34

Text proposed by the Commission

(34) The geographical scope of regional **operational** centres should allow them to play an effective coordination role by optimising the operations of transmission system operators over larger regions.

Amendment

(34) The geographical scope of regional **coordination** centres should allow them to play an effective coordination role by optimising the operations of transmission system operators over larger regions.

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. en

Amendment 182

Angelika Niebler, Sven Schulze

Proposal for a regulation

Recital 35

Text proposed by the Commission

(35) Regional operational centres should carry out functions where their regionalisation brings added value compared to functions performed at national level. The functions of regional operational centres should cover the functions carried out by regional security coordinators as well as additional system operation, market operation and risk preparedness functions. The functions carried out by regional operational centres should exclude real time operation of the electricity system.

Amendment

deleted

Or. de

Justification

Areas such as central security of supply or risk-preparedness should remain the responsibility of the Member States and the transmission system operators.

Amendment 183

Pavel Telička

Proposal for a regulation
Recital 35

Text proposed by the Commission

(35) Regional **operational** centres should carry out functions where their regionalisation brings added value compared to functions performed at national level. The functions of regional **operational** centres should cover the functions carried out by regional security coordinators as well as additional **system operation, market operation and risk preparedness functions**. The functions carried out by regional **operational** centres should exclude real time operation of the electricity system.

Amendment

(35) Regional **coordination** centres should carry out functions where their regionalisation brings added value compared to functions performed at national level. The functions of regional **coordination** centres should cover the functions carried out by regional security coordinators as well as additional **task of regional importance**. The functions carried out by regional **coordination** centres should exclude real time operation of the electricity system.

Or. en

Justification

Title of the newly established entity should be changed to "regional coordination centres"; this title should be used throughout the proposal for Regulation.

Amendment 184

Martina Werner, Peter Kouroumbashev, Carlos Zorrinho, Miapetra Kumpula-Natri, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López, Edouard Martin

Proposal for a regulation
Recital 35

Text proposed by the Commission

(35) Regional **operational** centres should carry out functions where their regionalisation brings added value compared to functions performed at national level. The functions of regional operational centres should cover the functions carried out by regional security coordinators as well as additional **system operation, market operation and risk preparedness functions**. The functions carried out by regional **operational** centres should exclude real time operation of the

Amendment

(35) Regional **coordination** centres should carry out functions where their regionalisation brings added value compared to functions performed at national level. The functions of regional operational centres should cover the functions carried out by regional security coordinators as well as additional **functions with regional importance**. The functions carried out by regional **coordination** centres should exclude real

electricity system.

time operation of the electricity system.

Or. en

Amendment 185

Angelika Niebler, Sven Schulze

Proposal for a regulation

Recital 36

Text proposed by the Commission

Amendment

(36) Regional operational centres should primarily act in the interest of system and market operation of the region over the interests of any single entity. Hence, regional operational centres should be entrusted with decision-making powers to act and to direct actions to be taken by transmission system operators of the system operation region for certain functions and with an enhanced advisory role for the remaining functions.

deleted

Or. de

Justification

Areas such as central security of supply or risk-preparedness should remain the responsibility of the Member States and the transmission system operators.

Amendment 186

Kathleen Van Brempt

Proposal for a regulation

Recital 36

Text proposed by the Commission

Amendment

(36) Regional operational centres should primarily act in the interest of system and market operation of the region over the interests of any single entity. Hence, regional operational centres should be entrusted with decision-making powers to act and to direct actions to be taken by

(36) Regional operational centres should primarily act in the interest of system and market operation of the region over the interests of any single entity. Hence, regional operational centres should be entrusted with decision-making powers to act and to direct actions to be taken by

transmission system operators of the system operation region for certain functions and with an enhanced advisory role for the remaining functions.

transmission system operators of the system operation region for certain functions and with an enhanced advisory role for the remaining functions. ***If one or more transmission system operators disagree with a binding decision that a regional operational centre is willing to take, they should have the right to ask the Commission to suspend or change the decision. The Commission can do so, after gaining advice from the Agency.***

Or. en

Amendment 187

Martina Werner, Carlos Zorrinho, Miapetra Kumpula-Natri, Miroslav Poche

Proposal for a regulation

Recital 36

Text proposed by the Commission

(36) Regional ***operational*** centres should ***primarily*** act in the interest of system and market ***operation*** of the region ***over the interests of any single entity***. Hence, regional ***operational*** centres should be entrusted with decision-making powers to act and to direct actions to be taken by transmission system operators of the system operation region for ***certain*** functions and with an enhanced advisory role for the remaining functions.

Amendment

(36) Regional ***coordination*** centres should ***act independently from national interests and from the interests of any market participant***. They should act in the interest of ***the Union, the functioning of the internal electricity market***, system and market ***stability*** of the region ***and to contribute to the achievement of the EU climate and energy targets***. Hence, regional ***coordination*** centres should be entrusted with decision-making powers to act and to direct actions to be taken by transmission system operators of the system operation region for functions ***with particular regional importance*** and with an enhanced advisory role for the remaining functions ***through recommendations***.

Or. en

Amendment 188

Proposal for a regulation
Recital 36

Text proposed by the Commission

(36) Regional operational centres should primarily act in the interest of system and market operation of the region over the interests of any single entity. Hence, regional operational centres should be entrusted with decision-making powers to act and to direct actions to be taken by transmission system operators of the system operation region for certain functions and with an enhanced advisory role for the remaining functions.

Amendment

(36) Regional operational centres should primarily act in the interest of system and market operation of the region over the interests of any single entity. Hence, regional operational centres should be entrusted with decision-making powers to act and to direct actions to be taken by transmission system operators of the system operation region for certain functions and with an enhanced advisory role for the remaining functions. ***Regional operational centres should ensure that decision-making processes are based on equitable treatment, geographical balance and inclusiveness, in order to ensure the representation of all transmission systems of the region.***

Or. en

Amendment 189
Pavel Telička

Proposal for a regulation
Recital 36

Text proposed by the Commission

(36) Regional ***operational*** centres should primarily act in the interest of system and market operation of the region over the interests of any single entity. ***Hence, regional operational centres should be entrusted with decision-making powers to act and to direct actions to be taken by transmission system operators of the system operation region for certain functions and with an enhanced advisory role for the remaining functions.***

Amendment

(36) Regional ***coordination*** centres should primarily act in the interest of system and market operation of the region over the interests of any single entity. Regional ***coordination*** centres should ***have*** an enhanced advisory role.

Amendment 190
Werner Langen

Proposal for a regulation
Recital 36

Text proposed by the Commission

(36) Regional operational centres should primarily act in the interest of system and market operation of the region over the interests of any single entity. Hence, regional operational centres should be entrusted with decision-making powers to act and to direct actions to be taken by transmission system operators of the system operation region for certain functions **and with** an enhanced advisory role for the remaining functions.

Amendment

(36) Regional operational centres should primarily act in the interest of system and market operation **as well as sectoral integration** of the region over the interests of any single entity. Hence, regional operational centres should be entrusted with decision-making powers to act and to direct actions to be taken by transmission system operators of the system operation region for certain functions. **They should have** an enhanced advisory role for the remaining functions.

Or. de

Justification

Adding sectoral integration to the regulation will ensure stability and a level playing field among all the market-based resources, which will help achieve the objectives of the EU's internal energy market.

Amendment 191
Angelika Niebler, Sven Schulze

Proposal for a regulation
Recital 37

Text proposed by the Commission

(37) **ENTSO for Electricity should ensure that the actions of regional operational centres are coordinated across the regions' boundaries.**

Amendment

deleted

Or. de

Justification

It is not at all clear how much value would be added by creating regional operational centres. The ENTSO for electricity is an existing grouping of transmission system operators at EU level. An additional body would result in a disproportionately high administrative and bureaucratic burden. Duplicate structures must be avoided.

Amendment 192

Dario Tamburrano, David Borrelli

Proposal for a regulation

Recital 38

Text proposed by the Commission

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. 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.* **deleted**

Or. en

Justification

The proposal to create a EU DSO entity should be scrapped to eliminate the risks of conflicts of interests. As such, the creation of a new EU DSO entity contains significant risks of obstructing competition and discrimination on sensitive issues (in particular on issues relating to consumers and treatment of distributed energy resources, such as solar PV and demand response). EU unbundling rules for DSOs are not very stringent, which would allow

large DSOs connected to parent utilities to exert undue influence via the DSO entity. This risk is compounded by the fact that the EU DSO entity would be in a position to influence the drafting of Network Codes that will significantly impact the deployment of renewables and demand response, which not all DSOs are supporting. This could increase the risk of Network Codes that impose additional barriers to demand response and self-consumption and that allow DSOs to dominate markets for aggregation, storage and EV charging infrastructure

Amendment 193

Kaja Kallas, Pavel Telička, Fredrick Federley, Morten Helveg Petersen, Angelika Mlinar, Carolina Punset, Gerben-Jan Gerbrandy

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, ***independence*** 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, ***on the need for standardisation to facilitate crossborder data exchange between transmission system operators and distribution system operators***, 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.

Or. en

Amendment 194

Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Eugen Freund, Patrizia Toia, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López, Edouard Martin

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 **increase** 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 of distributed generation and storage in distribution networks, **digitalisation of the distribution networks including deployment of smart grids and intelligent metering systems** or other areas which relate to the management of distribution networks.

Or. en

Amendment 195

Miroslav Poche

Proposal for a regulation

Recital 38

Text proposed by the Commission

(38) In order to raise efficiencies in the

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. 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.

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 **geographical** 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.

Or. en

Justification

There is a need to ensure that DSOs are proportionally geographically represented in the EU DSO to ensure that it takes into account the specificities of respective regions when drafting respective documents or legislation.

Amendment 196 **Werner Langen**

Proposal for a regulation **Recital 39**

Text proposed by the Commission

(39) Increased cooperation and coordination among transmission system operators is required to create network codes for providing and managing effective and transparent access to the transmission networks across borders, and to ensure coordinated and sufficiently forward-looking planning and sound technical evolution of the transmission system in the Union , including the creation of

Amendment

(39) Increased cooperation and coordination among transmission system operators is required to create network codes for providing and managing effective and transparent access to the transmission networks across borders, and to ensure coordinated and sufficiently forward-looking planning and sound technical evolution of the transmission system in the Union, including the creation of

interconnection capacities, with due regard to the environment. Those network codes should be in line with framework guidelines, which are non-binding in nature (framework guidelines) and which are developed by the Agency. The Agency should have a role in reviewing, based on matters of fact, draft network codes, including their compliance with the framework guidelines, and it should be enabled to recommend them for adoption by the Commission. The Agency should assess proposed amendments to the network codes and it should be enabled to recommend them for adoption by the Commission. Transmission system operators should operate their networks in accordance with those network codes.

interconnection capacities **and capacity for sectoral integration**, with due regard to the environment. Those network codes should be in line with framework guidelines, which are non-binding in nature (framework guidelines) and which are developed by the Agency. The Agency should have a role in reviewing, based on matters of fact, draft network codes, including their compliance with the framework guidelines, and it should be enabled to recommend them for adoption by the Commission. The Agency should assess proposed amendments to the network codes and it should be enabled to recommend them for adoption by the Commission. Transmission system operators should operate their networks in accordance with those network codes.

Or. de

Amendment 197

Evžen Tošenovský

Proposal for a regulation

Recital 44

Text proposed by the Commission

(44) Investments in major new infrastructure should be promoted strongly while ensuring the proper functioning of the internal market in electricity. In order to enhance the positive effect of exempted direct current interconnectors on competition and security of supply, market interest during the project-planning phase should be tested and congestion-management rules should be adopted. Where direct current interconnectors are located in the territory of more than one Member State, the Agency should handle as a last resort the exemption request in order to take better account of its cross-border implications and to facilitate its administrative handling. Moreover, given

Amendment

(44) Investments in major new infrastructure should be promoted strongly while ensuring the proper functioning of the internal market in electricity. In order to enhance the positive effect of exempted direct current interconnectors on competition and security of supply, market interest during the project-planning phase should be tested and congestion-management rules should be adopted **including explicit total system cost-benefit examination of effect on overall interconnector costs from including energy storage of all plausible scales on one or both interconnector ends**. Where direct current interconnectors are located in the territory of more than one Member

the exceptional risk profile of constructing those exempt major infrastructure projects, undertakings with supply and production interests should be able to benefit from a temporary derogation from the full unbundling rules for the projects concerned. Exemptions granted under Regulation (EC) No 1228/2003²⁸ continue to apply until the scheduled expiry date as decided in the granted exemption decision.

State, the Agency should handle as a last resort the exemption request in order to take better account of its cross-border implications and to facilitate its administrative handling. Moreover, given the exceptional risk profile of constructing those exempt major infrastructure projects, undertakings with supply and production interests should be able to benefit from a temporary derogation from the full unbundling rules for the projects concerned. Exemptions granted under Regulation (EC) No 1228/2003²⁸ continue to apply until the scheduled expiry date as decided in the granted exemption decision.

²⁸ Regulation (EC) No 1228/2003 of the European Parliament and of the Council of 26 June 2003 on conditions for access to the network for cross-border exchanges in electricity (OJ L 176, 15.7.2003, p. 1).

²⁸ Regulation (EC) No 1228/2003 of the European Parliament and of the Council of 26 June 2003 on conditions for access to the network for cross-border exchanges in electricity (OJ L 176, 15.7.2003, p. 1).

Or. en

Justification

This amendment is intrinsically linked to other amendments tabled to provisions which have been modified by the Commission

Amendment 198

Theresa Griffin, Jude Kirton-Darling, Clare Moody

Proposal for a regulation

Recital 48 a (new)

Text proposed by the Commission

Amendment

(48a) Cooperation with third countries through the internal energy market can bring significant benefits to EU consumers by way of enhanced security of supply, market efficiencies and integration of low-carbon energy. The European Commission and Member States should seek to closely cooperate with third countries connected to the EU

electricity network, to foster the development of integrated markets, harmonised trading mechanisms and regulatory convergence with these countries.

Or. en

Amendment 199

Claude Turmes

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 2030³⁰ by enabling market signals to be delivered for increased flexibility, decarbonisation and innovation;

³⁰ 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 2030³⁰ by enabling market signals to be delivered for increased flexibility, decarbonisation and innovation **and making the market fit to accommodate a high share of variable renewable energy sources by 2030;**

³⁰ COM/2014/015 final.

Or. en

Justification

Achieving the internal energy market as well as the EU climate and energy targets for 2030 and 2050 requires for the integration of a high share of variable renewable energy sources in the power system, which must be designed adequately to achieve this integration in the most efficient and cost effective way.

Amendment 200

Carolina Punset

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 2030³⁰ by enabling market signals to be delivered for increased flexibility, decarbonisation and innovation;

³⁰ COM/2014/015 final.

Amendment

(a) setting the basis for an efficient achievement of the objectives of the European Energy Union, ***among them a minimum interconnection level of 10% and an indicative target of 15% for 2030***, and in particular the climate and energy framework for 2030³⁰ by enabling market signals to be delivered for increased flexibility, decarbonisation and innovation;

³⁰ COM/2014/015 final.

Or. en

Amendment 201

Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Eugen Freund, Patrizia Toia, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López, Edouard Martin

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 2030³⁰ by enabling market signals to be delivered for increased flexibility, decarbonisation and innovation;

³⁰ 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 by enabling market signals to be delivered for increased ***efficiency***, flexibility, decarbonisation and innovation;

Or. en

Amendment 202

Zdzisław Krasnodębski, Edward Czesak, Nikolay Barekov

Proposal for a regulation

Article 1 – paragraph 1 – point a

Text proposed by the Commission

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 2030³⁰ by enabling market signals to be delivered for increased flexibility, **decarbonisation** and innovation;

(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 2030³⁰ by enabling market signals to be delivered for increased flexibility and innovation;

³⁰ COM/2014/015 final.

³⁰ COM/2014/015 final.

Or. en

Justification

Decarbonisation objective is dealt with in other existing legislation such as the EU ETS and should not be put at the centre of the electricity market design.

Amendment 203

Carolina Punset, Gerben-Jan Gerbrandy

Proposal for a regulation

Article 1 – paragraph 1 – point b

Text proposed by the Commission

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 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;

(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, and contribute to the decarbonisation of the economy by enabling market integration and market-based remuneration of electricity generated from renewable sources. **Interconnections between Member States further contribute to an efficient integration of electricity from renewable energy sources to countervail their variability, reduce balancing costs and encourage competition. Each Member State shall ensure that its level of electricity**

interconnection is equivalent to at least 10% of their installed production capacity by 2020, with a view to reaching a more ambitious level by 2030;

Or. en

Amendment 204
Paul Rübiger

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 and energy efficiency, facilitate aggregation of distributed demand and supply, **recognizing energy storage as a separate asset class besides generation, distribution/ transmission and consumption as well as** contribute to the **achievement of a cost-efficient low-carbon** economy by enabling market integration and market-based remuneration of electricity generated from renewable sources;

Or. en

Amendment 205
Jaromír Kohlíček

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

Text proposed by the Commission

(b) setting fundamental principles for well-functioning, integrated electricity

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 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;

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 ***via an innovative sector coupling technologies that provide flexibility and security of supply in an energy system increasingly based on RES.***

Or. en

Amendment 206
Hans-Olaf Henkel

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 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 ***through sector coupling technologies providing flexibility and contributing to security of supply.***

Or. en

Amendment 207
Pavel Telička

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 and energy efficiency, ***enable global competitiveness of the EU economy***, 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;

Or. en

Amendment 208
Marian-Jean Marinescu

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 ***competitiveness on the global market***, 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;

Or. en

Amendment 209

Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Patrizia Toia, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López

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 ***cross-border***, integrated ***and liquid*** 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;

Or. en

Amendment 210

Werner Langen

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

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 and energy efficiency, facilitate aggregation of distributed demand and supply, and contribute to the decarbonisation of the economy by enabling market ***and sectoral*** integration and market-based remuneration of electricity generated from renewable

sources;

sources;

Or. de

Amendment 211

Zdzisław Krasnodębski, Edward Czesak, Nikolay Barekov, Hans-Olaf Henkel

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 and energy efficiency, facilitate aggregation of distributed demand and supply, **as well as enable** market integration and market-based remuneration of electricity generated from renewable sources;

Or. en

Justification

Decarbonisation objective is dealt with in other existing legislation such as the EU ETS and should not be put at the centre of the electricity market design.

Amendment 212

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point c

Text proposed by the Commission

(c) setting fair rules for cross-border exchanges in electricity, thus enhancing competition within the internal market in electricity, taking into account the

Amendment

(c) setting fair rules for **intra-EU** cross-border exchanges in electricity, thus enhancing competition within the internal market in electricity, taking into account

particular characteristics of national and regional markets. This includes the establishment of a compensation mechanism for cross-border flows of electricity and the setting of harmonised principles on cross-border transmission charges and the allocation of available capacities of interconnections between national transmission systems;

the particular characteristics of national and regional markets. This includes the establishment of a compensation mechanism for cross-border flows of electricity and the setting of harmonised principles on cross-border transmission charges and the allocation of available capacities of interconnections between national transmission systems; ***while establishing the necessary restrictions to cross-border exchanges with third countries to avoid “carbon dumping” via the import of electricity generated by high-carbon assets located in non EU Member States;***

Or. en

Justification

The EU is bound to its climate commitments and its Member States to fulfil the relevant targets. With regards to the addition of recital 48 in its revision, it must therefore be clarified that interactions between the internal energy market and third countries should not result in so-called carbon dumping and that there is a level playing field among EU and third country energy producers.

Amendment 213

Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López

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, ***liquid*** and transparent wholesale market ***contributing to*** a high level of security of supply in electricity. It provides for mechanisms to harmonise the rules for cross-border exchanges in electricity, ***pursuant to the Capacity Allocation and Congestion Management (CACM) network codes.***

Or. en

Justification

This amendment is intrinsically linked to other amendments tabled to provisions which have been modified by the Commission

Amendment 214

Carlos Zorrinho

Proposal for a regulation

Article 1 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) The objectives concerning cross-border trade referred to in the previous points are subject to the prerequisite of achieving a level of electricity interconnections of at least 10% and an indicative target of 15% for 2030, as laid down in Article 3 of the recast of Directive 2009/72/EC proposed by COM (2016) 864 final /2.

Or. pt

Amendment 215

Zdzisław Krasnodebski

Proposal for a regulation

Article 2 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(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 ;

(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

Amendment 216

Jaromír Kohlíček

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

According to the understanding of original definition, the congestion could only exist between two bidding zones which would not reflect real conditions of transmission system and must be considered as well (typical example would be case of DE with internal congestions inside one bidding zone). Definition should be also aligned with definitions used in the network codes and guidelines.

Amendment 217

Evžen Tošenovský

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

Amendment 218

Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Patrizia Toia, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López

Proposal for a regulation
Article 2 – paragraph 2 – point e

Text proposed by the Commission

(e) 'structural congestion' means congestion in the transmission system that is predictable, *is* geographically stable over time, and *is* frequently reoccurring under normal power system conditions;

Amendment

(e) 'structural congestion' means congestion in the transmission system that is predictable, geographically stable over time, and frequently reoccurring under normal power system conditions;

Or. en

Amendment 219
Claude Turmes
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 2 – paragraph 2 – point f

Text proposed by the Commission

(f) 'market operator' means *an* entity that provides a service whereby the offers to sell electricity are matched with bids to buy electricity;

Amendment

(f) 'market operator' means *a nominated electricity market operator or any other* entity that provides a service whereby the offers to sell electricity are matched with bids to buy electricity;

Or. en

Amendment 220
Claude Turmes
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 2 – paragraph 2 – point h

Text proposed by the Commission

(h) 'value of lost load' means an estimation in €/MWh, of the maximum electricity price that customers are willing to pay to avoid an outage;

Amendment

(h) 'value of lost load' means an estimation in €/MWh, of the maximum electricity price that customers are willing to pay to avoid an outage *within a given bidding zone*;

Justification

The value of lost load are to be considered separately in each single bidding zone.

Amendment 221

Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Miroslav Poche

Proposal for a regulation

Article 2 – paragraph 2 – point h

Text proposed by the Commission

(h) 'value of lost load' means an estimation in €/MWh, of the maximum electricity price that customers are willing to pay to avoid an outage;

Amendment

(h) 'value of lost load' means an **artificial** estimation in €/MWh, of the maximum electricity price that customers are willing to pay to avoid an outage;

Or. en

Amendment 222

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 2 – point r a (new)

Text proposed by the Commission

Amendment

(ra) 'priority access' means the first right to feed in renewable electricity in case of local grid congestion.

Or. en

Justification

To clarify and distinguish different concepts relevant especially in the context of Articles 11-12, this definition is added here.

Amendment 223

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 2 – point s

Text proposed by the Commission

(s) 'priority dispatch' means the dispatch of power plants on the basis of criteria different from the economic order of ***bids and, in central dispatch systems, network constraints***, giving priority to the dispatch of particular generation technologies;

Amendment

(s) 'priority dispatch' means the ***prioritization of the*** dispatch of power plants on the basis of criteria different from the economic ***merit*** order of ***market bids***, giving priority to the dispatch of particular generation technologies;

Or. en

Justification

Market and network issues should be treated separately. Priority dispatch is a term only used in connection with markets.

Amendment 224

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 2 – point s a (new)

Text proposed by the Commission

Amendment

(sa) '***redispatch***' means the ***rescheduling of generation, storage or demand facilities in case of network constraints, by the responsible system operators through upward or downward power regulation, in order to ensure the secure and efficient operation of the network within technical limits and to maintain overall network stability.***

Or. en

Justification

This definition is necessary in view of the provisions of Article 12.

Amendment 225

Martina Werner, Flavio Zanonato, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Jens Geier

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 ***measures taken by Member States to fill the expected capacity gap for electricity supply to match electricity demand in the medium and long term and designed to attract investment by offering additional payments to capacity providers that operate within the electricity market, on top of income obtained by selling electricity on the market in return for the availability of existing capacity or investment in new capacity to guarantee the required level of resource adequacy;***

Or. en

Amendment 226

Kathleen Van Brempt

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 by remunerating resources, ***including renewable energy, storage facilities and demand side management services,*** for their availability ***during certain periods or time windows to generate electricity or reduce demand,*** not including measures relating to ancillary services;

Or. en

Amendment 227
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 228
Cornelia Ernst

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*** ***transitory*** administrative measure to ensure the achievement of the ***necessary*** level of security of supply by ***compensating*** resources for ***all or part of the additional costs in which they incur to ensure*** availability not including measures relating

to ancillary services;

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. Financial contributions to capacity mechanisms should be limited to compensating the additional costs in which operators incur to ensure the availability of the capacity.

Amendment 229

Dario Tamburrano, David Borrelli

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 **exceptional and temporary** 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;

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 230

Massimiliano Salini, Aldo Patriciello

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 **a market-based** 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;

achievement of *a Member State's necessary* level of security of supply by remunerating resources for their availability not including measures relating to ancillary services;

Or. en

Amendment 231

Adam Gierek, Krystyna Łybacka

Proposal for a regulation

Article 2 – paragraph 2 – point u

Regulation (EC) No 714/2009 of the European Parliament and of the Council

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 *or market-based* 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. pl

Justification

Energy supply is also a market mechanism. The purpose of the amendment is to reflect this characteristic in the proposed definition.

Amendment 232

Kaja Kallas, Fredrick Federley, Morten Helveg Petersen, Angelika Mlinar, Carolina Punset, Gerben-Jan Gerbrandy

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

Amendment

(u) 'capacity mechanism' means *a temporary* 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;

including measures relating to ancillary services;

Or. en

Amendment 233

Jerzy Buzek, Janusz Lewandowski, Marian-Jean Marinescu

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 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

Justification

The capacity mechanisms may become a second, fully-fledged segment of the energy market. The aim of the proposed amendment is to supplement the capacity mechanism definition by stating that it may not only be an administrative, but also a market-based measure.

Amendment 234

Cristian-Silviu Buşoi

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 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;

Amendment 235

Claude Turmes

on behalf of the Verts/ALE Group

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 *resource adequacy* by remunerating resources for their availability not including measures relating to ancillary services;

Or. en

Justification

In accordance of the provisions in Article 22 (and Article 18a), a capacity mechanism addresses a resource adequacy problem.

Amendment 236

Zdzisław Krasnodębski, Edward Czesak, Evžen Tošenovský

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* 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 237

Luděk Niedermayer

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 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. ***The conditions for setting up strategic reserves must be set in a way that they will by no means encourage the new build of electricity generation. Strategic reserve, that is created, must be operated only according to transparent and pre-agreed rules. The strategic reserve should not be used to reduce volatility of market electricity price or to reduce incentives of market participants to own, operate or invest into the generation/storage focused on benefiting from market price peaks. Strategic reserve must be acquired through transparent and open bidding, in line with the unbundling rules and it cannot be owned neither by TSOs, DSOs or public sector.***

Or. en

Amendment 238

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 2 – point v

Text proposed by the Commission

(v) 'strategic reserve' means a capacity

Amendment

(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;

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 239

Martina Werner, Flavio Zanonato, Jeppe Kofod, Carlos Zorrinho

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 electricity 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 **least at technical price limits**;

Or. en

Amendment 240

Henna Virkkunen

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 only dispatched in case day-ahead markets have failed to clear **or** transmission system operators have exhausted their balancing resources to establish an equilibrium between demand and supply

Or. en

Justification

Strategic reserves are used for ensuring that the day-ahead market can clear.

Amendment 241

Miapetra Kumpula-Natri

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 only dispatched in case day-ahead markets have failed to clear **or** transmission system operators have exhausted their balancing resources to establish an equilibrium between demand and supply;

Or. en

Justification

Strategic reserves are used for ensuring that the day-ahead markets can clear, and hence the market deliver price formation also in scarcity situations. Only in these situations, when there's not enough market based offers to meet demand, the reserves would be activated with clear rules. The proposal as such would mean, that either day-ahead markets would not clear (which would have wide effects) or that purchase bids would be curtailed.

Amendment 242

Marian-Jean Marinescu

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 only dispatched in case day-ahead and intraday markets have failed to clear, transmission system operators ***prove that their dispatch is necessary to ensure grid security, and*** 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

Amendment 243

Dario Tamburrano, David Borrelli

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,

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 and intraday markets have failed to clear, transmission system operators have exhausted their balancing resources to

and imbalances in the market during periods where the reserves were dispatched are settled at the value of lost load;

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 244
Cornelia Ernst

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 ***excluded from the market to be*** 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 245
Kaja Kallas, Fredrick Federley, Morten Helveg Petersen, Angelika Mlinar, Carolina Punset

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 ***excluded from the market and*** 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

Amendment 246
Claude Turmes
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 2 – paragraph 2 – point x

Text proposed by the Commission

(x) 'demonstration project' means a project demonstrating a technology as a first of its kind in the Union and representing a significant innovation that goes well beyond the state of the art.

Amendment

(x) 'demonstration project' means a project demonstrating a technology ***or renewable energy or energy efficiency integration model*** as a first of its kind in the Union and representing a significant innovation that goes well beyond the state of the art.

Or. en

Justification

As appliances, technologies, grids, processes, goods and buildings get more interconnected and smart, innovative models should be included in this definition.

Amendment 247
Werner Langen

Proposal for a regulation
Article 2 – paragraph 2 – point x a (new)

Text proposed by the Commission

Amendment

(xa) *'Sectoral integration' means integrating the transport, industry, heating and air-conditioning sectors and gas and electricity networks by using all energy sources such as electricity and hydrogen to ensure the most efficient allocation possible of energy sources to the different energy networks and help achieve the EU's climate and energy objectives.*

Or. de

Amendment 248
Evžen Tošenovský

Proposal for a regulation
Article 2 – paragraph 2 – point x a (new)

Text proposed by the Commission

Amendment

(xa) *(new) 'system cost' means the cost impact of a power plant on the electricity system as a whole - comprising transmission and distribution maintenance, grid losses, balancing costs, and basic electricity service provision.*

Or. en

Amendment 249
Evžen Tošenovský

Proposal for a regulation
Article 2 – paragraph 2 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

(new) *'decarbonisation' means the reduction or removal of carbon dioxide from energy sources with a view to*

producing half of the EU's electricity from low-carbon energy sources in 2030 and a completely carbon-free electricity system by 2050.

Or. en

Amendment 250

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 3 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States, national regulatory authorities, transmission system operators, distribution system operators, **and market operators** shall ensure that electricity markets are operated in accordance with the following principles:

Amendment

1. Member States, national regulatory authorities, transmission system operators, distribution system operators, **market operators and third parties to whom responsibilities have been delegated or assigned**, shall ensure that electricity markets are operated in accordance with the following principles:

Or. en

Justification

Also new actors and delegates shall respect market operating principles.

Amendment 251

Kathleen Van Brempt, Ivo Belet

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 **in general reflect** demand and supply;

Or. en

Amendment 252

Cornelia Ernst

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 shall ensure that energy poor or vulnerable customers are sufficiently protected;***

Or. en

Amendment 253

Miroslav Poche

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 shall ensure that energy poor or vulnerable customers are sufficiently protected;***

Or. en

Justification

Energy poverty is a growing problem in the Community. It is necessary to protect the energy poor to vulnerable customers.

Amendment 254

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Claude Turmes
on behalf of the Verts/ALE Group

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, **renewable** generation, or more flexible demand shall be avoided, **while Member States shall ensure that energy poor or vulnerable customers are sufficiently protected**;

Or. en

Justification

It should be enshrined in the principles that the protection of vulnerable customers is integral part of the internal market.

Amendment 255
Dario Tamburrano, David Borrelli

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 256

Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Soledad Cabezón Ruiz, José Blanco López, Dan Nica

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 shall be avoided

Or. en

Amendment 257
Zdzisław Krasnodębski

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 shall be avoided;

Or. en

Amendment 258
Kathleen Van Brempt, Ivo Belet

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,

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;

low carbon generation, or more flexible demand shall be avoided, ***unless they aim to establish solidarity and fair distribution of costs;***

Or. en

Amendment 259

Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Eugen Freund, Soledad Cabezón Ruiz, José Blanco López, Dan Nica

Proposal for a regulation

Article 3 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the development of more flexible generation, low carbon generation, or more flexible demand shall be promoted;

Or. en

Amendment 260

Dario Tamburrano, David Borrelli

Proposal for a regulation

Article 3 – paragraph 1 – point c

Text proposed by the Commission

Amendment

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

(c) customers shall be enabled to benefit from market opportunities and increased competition on retail markets; ***Market operators shall be required to assess the risk 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 customers protections where necessary;***

Or. en

Amendment 261

Cornelia Ernst

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 operators shall be required to assess the risk 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 customers protections where necessary;

Or. en

Amendment 262

Claude Turmes

on behalf of the Verts/ALE Group

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 operators shall be required to assess the risk 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 customers protections where necessary;

Or. en

Justification

Whereas benefits and opportunities should be accessible to consumers, possible risks have to be equally assessed.

Amendment 263

Kathleen Van Brempt

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;
the offering of bundles that combines the sale of a commodity with the sale of energy services may not form a barrier to switch from supplier;

Or. en

Amendment 264

Kaja Kallas, Pavel Telička, Fredrick Federley, Morten Helveg Petersen, Angelika Mlinar, Carolina Punset, Gerben-Jan Gerbrandy

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
and be empowered to act as participant in the energy market and the energy transition;

Or. en

Amendment 265

Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Eugen Freund, Patrizia Toia, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López, Dan Nica

Proposal for a regulation

Article 3 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) consumers and small businesses shall be enabled to actively participate in the energy market through demand response and self-generation

Or. en

Amendment 266

Paul Rübiger

Proposal for a regulation

Article 3 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(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;

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

Or. en

Amendment 267

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 268

Dario Tamburrano, David Borrelli

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, ***but not unduly encouraged or mandated, individually or*** 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 269

Cornelia Ernst

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, **but not unduly encouraged or mandated, individually or** 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 270

Dario Tamburrano, David Borrelli

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 renewable energy sources, providing incentives for energy efficiency **and incentivising demand side response at times when there is overreliance on carbon intensive generation ;**

Or. en

Amendment 271

Cornelia Ernst

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

Amendment

(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;

enabling the integration of electricity from renewable energy sources, providing incentives for energy efficiency **and incentivizing demand side response at times when there is overreliance on carbon intensive generation;**

Or. en

Amendment 272

Martina Werner, Peter Kouroumbashev, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López, Edouard Martin, Dan Nica

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 **electricity system and thus the** economy by enabling the integration of electricity from renewable energy sources and providing incentives for energy efficiency;

Or. en

Amendment 273

Paul Rübiger

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 renewable energy sources **including energy storage** and providing incentives for energy efficiency;

Or. en

Amendment 274

Zdzisław Krasnodebski, Edward Czesak, Nikolay Barekov

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 **enable** the integration of electricity from renewable energy sources and **provide** incentives for energy efficiency;

Or. en

Amendment 275

Evžen Tošenovský

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 **through incentives for the development and deployment of capital-intensive, low-carbon generation and** energy efficiency;

Or. en

Amendment 276

Françoise Grossetête

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

Amendment

(f) market rules shall deliver appropriate investment incentives for generation, **in particular long-term investments in low-carbon generation,**

thus ensure security of supply;

storage, energy efficiency and demand response to meet market needs and thus ensure security of supply;

Or. en

Amendment 277

Theresa Griffin, Jude Kirton-Darling, Clare Moody

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 **with a long-term view for generation, including low-carbon** generation, storage, energy efficiency and demand response to meet market needs and thus ensure security of supply;

Or. en

Amendment 278

Pervenche Berès, Edouard Martin

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**, storage, energy efficiency and demand response to meet market needs and thus ensure security of supply;

Or. en

Justification

The current market design should solve the investment challenge on the long-term period, ensuring investors a better visibility.

Amendment 279

Kathleen Van Brempt, Ivo Belet

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 ***aim to*** deliver appropriate investment incentives for generation, storage, energy efficiency and demand response to meet market needs and thus ensure security of supply;

Or. en

Amendment 280

Claude Turmes

on behalf of the Verts/ALE Group

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 ***intra-EU*** cross-border electricity flows and cross-border transactions on electricity markets and related services markets shall be avoided;

Or. en

Justification

This clarification is necessary in the logic of amendments in relation to third countries.

Amendment 281

Martina Werner, Peter Kouroumbashev, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López, Dan Nica

Proposal for a regulation

Article 3 – paragraph 1 – point g

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 282
Jaromír Kohlíček

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

Text proposed by the Commission

Amendment

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

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

Or. en

Justification

In the whole text of the Regulation as well as Directive it is necessary to differentiate between “cross-border flows” and “cross-border transactions” to avoid conclusions that Member State should allow unscheduled electricity flows over its borders (art. 2:definitions, art. 3 para 1 letter (g))

Amendment 283
Evžen Tošenovský

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

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 284

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 3 – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(ga) cross-border electricity flows between the EU and third countries shall discourage imports of electricity generated by high-carbon assets located in non EU Member States;

Or. en

Justification

There needs to be a level-playing field between EU and third countries' power producers, in order to achieve the objectives of the internal energy market.

Amendment 285

Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Patrizia Toia, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López

Proposal for a regulation

Article 3 – paragraph 1 – point h

Text proposed by the Commission

Amendment

(h) market rules shall provide for regional cooperation where effective;

(h) market rules shall provide for **strong** regional cooperation where effective;

Or. en

Amendment 286

Kathleen Van Brempt

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 in Directive (Renewable Energy Directive)***;

Or. en

Amendment 287

Dario Tamburrano, David Borrelli

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 Directive [Renewable Energy Directive]; ;***

Or. en

Amendment 288

Cornelia Ernst

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 289

Pilar del Castillo Vera, Pilar Ayuso, Francesc Gambús

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 *taking into account the technical features of installations;*

Or. en

Amendment 290

Paul Rübzig

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, *while being allowed to bid towards different services;*

Or. en

Amendment 291

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 3 – paragraph 1 – point j a (new)

Text proposed by the Commission

Amendment

(ja) electricity generation operators shall bear the full financial and legal responsibility deriving from the operation of their assets throughout their life-time, for their decommissioning, as well as for the management of waste or reconversion of sites;

Or. en

Justification

Detailing further the provisions of the related point j), the electricity generated by producers must include relevant components that form part of the costs of the electricity they produce, and the responsibility therefore extends beyond a simple selling principle.

Amendment 292

Martina Werner, Peter Kouroumbashev, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Eugen Freund, Patrizia Toia, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López, Dan Nica

Proposal for a regulation
Article 3 – paragraph 1 – point k

Text proposed by the Commission

Amendment

(k) market rules shall allow for progress in research and development to be realized and used to the benefit of society;

(k) market rules shall allow for progress in research and development **into sustainable, secure and low-carbon energy sources, technologies or systems** to be realized and used to the benefit of society;

Or. en

Amendment 293

Dario Tamburrano, David Borrelli

Proposal for a regulation
Article 3 – paragraph 1 – point l

Text proposed by the Commission

(1) market rules shall enable the efficient dispatch of generation assets and demand response;

Amendment

(1) market rules shall enable the efficient dispatch of generation assets and demand response, ***whilst accounting for the ability of individual assets to participate in dispatch mechanisms*** ;

Or. en

Amendment 294

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 3 – paragraph 1 – point 1

Text proposed by the Commission

(1) market rules shall enable the efficient dispatch of generation assets and demand response;

Amendment

(1) market rules shall enable the efficient dispatch of generation assets and demand response, ***whilst accounting for the ability of individual assets to participate in dispatch mechanisms***;

Or. en

Justification

This is clarification is necessary, especially in the light of the detailed provisions of Articles 10 and 11.

Amendment 295

Paul Rübzig

Proposal for a regulation

Article 3 – paragraph 1 – point 1

Text proposed by the Commission

(1) market rules shall enable the efficient dispatch of generation assets and demand response;

Amendment

(1) market rules shall enable the efficient dispatch of generation assets, ***energy storage*** and demand response;

Or. en

Amendment 296

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation

Article 3 – paragraph 1 – point l

Text proposed by the Commission

(l) market rules shall enable the efficient dispatch of generation assets and demand response;

Amendment

(l) market rules shall enable the efficient dispatch of generation assets, **storage** and demand response;

Or. en

Justification

As storage is listed in para (f) and (i) it should be included in para (l) as well.

Amendment 297

Claude Turmes

on behalf of the Verts/ALE Group

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 **including those applying to ancillary services**, shall allow for entry and exit of electricity generation, **demand side response providers, storage facilities** and electricity supply undertakings based on their assessment of the economic and financial viability of their operations, **except generation assets that part of a strategic reserve or capacity mechanism**;

Or. en

Justification

In line with the provisions of Article 2 and Article 23, as well as the enlarged scope of the Regulation market rules shall apply to all market participants, but except to assets held outside the market.

Amendment 298
Dario Tamburrano, David Borrelli

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, ***including those applying to ancillary services***, shall allow for entry and exit of electricity generation, ***demand side response providers, storage facilities***, and electricity supply undertakings based on their assessment of the economic and financial viability of their operations;

Or. en

Amendment 299
Cornelia Ernst

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, ***including those applying to ancillary services***, shall allow for entry and exit of electricity generation, ***demand side response providers, storage facilities***, and electricity supply undertakings based on their assessment of the economic and financial viability of their operations;

Or. en

Amendment 300
Pilar del Castillo Vera, Pilar Ayuso, Francesc Gambús

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

Text proposed by the Commission

Amendment

(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;

(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 ***without endangering the security of supply, effective competition and price formation;***

Or. en

Amendment 301

Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López

Proposal for a regulation

Article 3 – paragraph 1 – point m

Text proposed by the Commission

Amendment

(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;

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

Or. en

Amendment 302

Carolina Punset

Proposal for a regulation

Article 3 – paragraph 1 – point m

Text proposed by the Commission

Amendment

(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;

(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;

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 303

Paul Rübiger

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

Amendment 304

Martina Werner, Jeppe Kofod, Carlos Zorrinho, Eugen Freund, Miroslav Poche

Proposal for a regulation

Article 3 – paragraph 1 – point m a (new)

Text proposed by the Commission

Amendment

(ma) must-run generation of conventional generators shall be limited to the amount that is strictly necessary for the resource adequacy

Or. en

Amendment 305

Pervenche Berès, Edouard Martin

Proposal for a regulation

Article 3 – paragraph 1 – point m a (new)

Text proposed by the Commission

Amendment

(ma) Market rules shall allow the development of long-term instruments and products that enable investments in clean energy.

Or. en

Justification

The new market design should focus on properly driving all clean energy investments and provide an efficient investment signal.

Amendment 306

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 3 – paragraph 1 – point n

Text proposed by the Commission

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 subject to compliance with EU treaty rules on competition.

(n) long-term hedging opportunities, which allow market participants to hedge against price volatility risks on a market basis, and ***mitigate*** uncertainty on future returns on investment shall be tradable on exchanges in a transparent manner subject to compliance with EU treaty rules on competition. ***Regulatory changes shall take into account effects on both short-term and long-term forward and futures markets and products.***

Or. en

Justification

The impact of regulatory changes on hedging must be duly considered.

Amendment 307

Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Miroslav Poche

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 competition.

Amendment

(n) long-term hedging opportunities, which allow market participants to hedge against price volatility risks on a market basis, and *mitigate* uncertainty on future returns on investment shall be tradable on exchanges in a transparent manner subject to compliance with EU treaty rules on competition *while current products offered on exchanges should be further expanded and promoted at EU level.*

Or. en

Amendment 308
Françoise Grossetête

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 competition.

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 be compliant* with EU treaty rules on competition.

Or. en

Amendment 309
Edouard Martin, Pervenche Berès

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

Text proposed by the Commission

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 ***subject to compliance with EU treaty rules on competition.***

(n) long-term hedging opportunities, which allow market participants to hedge against price volatility risks on a market basis, and ***mitigate*** 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 be compliant with EU rules***

Or. en

Justification

This is necessary for pressing reasons relating to the internal logic of the text or because the amendments are inextricably linked to other admissible amendments.

Amendment 310

Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Eugen Freund, Patrizia Toia, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López

Proposal for a regulation

Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall set out a roadmap with measures to remove existing barriers to the principles outlined in paragraph 1 as part of their 2030 National Energy and Climate Plans.

Or. en

Amendment 311

Martina Werner, Jeppe Kofod, Carlos Zorrinho, Jens Geier, Eugen Freund, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López, Edouard Martin, Dan Nica

Proposal for a regulation

Article 3 a (new)

Text proposed by the Commission

Amendment

Article 3 a

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 impacts 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 312

Pilar del Castillo Vera, Pilar Ayuso, Francesc Gambús

Proposal for a regulation

Article 3 a (new)

Text proposed by the Commission

Amendment

Article 3 a

Real time control of renewable energy sources

From 1 January 2020, all power plants using renewable energy sources with an installed electricity capacity of more than 5 MW shall be able to receive in real time from the relevant transmission system

operator a maximum set point for their energy production and shall follow it in accordance with Article 40(1)j a (new) of [recast of Directive 2009/72/EC as proposed by COM(2016) 864].

Or. en

Amendment 313

Dario Tamburrano, David Borrelli

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

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.

Amendment

1. All market participants shall aim for system balance and shall be financially responsible for imbalances they cause in the system. **Balancing responsibility shall be preconditioned on the ability of all market participants to have full access to the balancing market, be it individually or through an aggregator, in line with paragraph 1 of Article 5. No later than one year after this Regulation enters into force, the Commission shall assess the level of market access in the balancing market. After a positive assessment for the Member State concerned, each market participant** shall either be balance responsible parties or delegate their responsibility to a balance responsible party of their choice

Or. en

Justification

All market participants must have full and non-discriminatory access to the balancing market. Only when this is the case, should market participants be financially responsible for imbalances they cause in the system. Until such arrangements are in place, balancing responsibilities should not be mandatory for all actors, in particular smaller market participants.

Amendment 314

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

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.

Amendment

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. ***However, generating installations using renewable energy sources shall be responsible for imbalances they cause in the system only if a liquid intraday market exists and barriers to their participation in balancing markets are removed.***

Or. en

Justification

The requirement for balancing responsibility must be conditional on the possibility of market participants to offset imbalances.

Amendment 315

Cornelia Ernst

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

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.

Amendment

1. All market participants shall aim for system balance and shall be financially responsible for imbalances they cause in the system.
Balancing responsibility shall be coupled with full access to the balancing market, be it individually or through aggregation in line with paragraph 1 of Article 5. They may either be balance responsible parties or delegate their responsibility to a balance

responsible party of their choice.

Or. en

Justification

The assumption of balancing responsibility by all market actors must be conditioned on the ability of all market actors to access the balancing market. Otherwise, imposing such responsibility would be discriminatory, particularly against smaller actors that generate electricity from renewable sources. It should also be clarified that this responsibility may be assumed personally, or through a third party intermediary.

Amendment 316 **Fulvio Martusciello**

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

Text proposed by the Commission

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.

Amendment

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. ***Balancing responsibilities for RES generators should be made conditional to the existence of fair market rules.***

Or. en

Amendment 317 **Barbara Kappel, Angelo Ciocca, Lorenzo Fontana**

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

Text proposed by the Commission

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

Amendment

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.

responsibility to a balance responsible party of their choice. ***In addition, principles set out in point (i) of Article 3(1) shall apply to balancing responsibility.***

Or. en

Amendment 318
Françoise Grossetête

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

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.***

Amendment

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

Or. en

Amendment 319
Eva Kaili

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

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.

Amendment

1. All ***markets*** participants shall aim for system balance and shall be financially responsible for imbalances they cause in the system, ***unless no liquid intraday market and 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

Amendment 320

Pavel Telička

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

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.

Amendment

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. ***From 1 January 2025, no exemption to balance responsibility shall be allowed.***

Or. en

Justification

General rules of the proposed Regulation (art. 3) correctly enhance equal and technologically neutral approach while stating that exceptions from these rules (dispatch, balancing responsibility) distort the market and are directly in conflict with the efficiency target. Unfortunately the Proposal further introduces a list of exceptions for some technologies (mainly small RES installations). In this regard such exceptions must be carefully assessed and reduced. It is not clear which entity will carry balancing responsibility and incurred costs if exceptions are applied as mentioned in Art. 4 para 2, letter (b) and para 3. We propose to remove current exception.

Amendment 321

Evžen Tošenovský

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

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

Amendment

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. ***From 1 January***

party of their choice.

2025, no exemption to balance responsibility shall be allowed.

Or. en

Amendment 322
Jaromír Kohlíček

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

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.

Amendment

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. ***From 1 January 2025, no exemption to balance responsibility shall be allowed.***

Or. en

Justification

General rules of the proposed Regulation (art. 3) correctly enhance equal and technologically neutral approach while stating that exceptions from these rules (dispatch, balancing responsibility) distort the market and are directly in conflict with the efficiency target. Unfortunately the Proposal further introduces a list of exceptions for some technologies (mainly small RES installations). In this regard such exceptions must be carefully assessed and reduced. It is not clear which entity will carry balancing responsibility and incurred costs if exceptions are applied as mentioned in Art. 4 para 2, letter (b) and para 3. We propose to remove current exception.

Amendment 323
Patrizia Toia

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

1. All market participants shall aim for system balance and shall be financially

Amendment

1. All market participants, ***including energy aggregators***, shall aim for system

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.

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.

Or. it

Justification

It is important to ensure that, with regard to balancing, energy aggregators, too, should have the same rights and obligations as other participants.

Amendment 324

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall establish transparent, fair and competitive markets for the delegation of balancing responsibility from small-scale generating installations using renewable energy sources or high-efficiency cogeneration referred to in paragraph 2.

Member States shall, in particular, ensure that:

(a) the owner of a small scale generating installation using renewable energy sources or high-efficiency cogeneration can choose among at least three service 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 using renewable energy sources or high-efficiency cogeneration clearly indicate how the pricing of the service will be cost-reflective and proportionate.

By way of derogation from the first subparagraph, Member States may

delegate to system operators the task of acting as default balance responsible party for small-scale generating installations using renewable energy sources or high-efficiency cogeneration. If they do so, national regulatory authorities shall permit system operators to recover their costs in the form of network tariffs.

Or. en

Justification

This amendment further details the provisions of paragraph 2 of this Article. In line with enabling active consumer participation, the provisions have to be adapted so that smaller players can effectively participate in the market.

Amendment 325

Pavel Telička

Proposal for a regulation

Article 4 – paragraph 2 – introductory part

Text proposed by the Commission

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

Amendment

2. Member States may provide for derogation from balance responsibility in respect of *installations benefitting from support approved by the Commission under Union State aid rules pursuant to Articles 107 to 109 TFEU, and commissioned prior to [OP: entry into force], against appropriate compensation. Member States shall, subject to Union state aid rules, incentivize market participants which are fully or partly exempted from balancing responsibility to accept full balancing responsibility against appropriate compensation.*

Or. en

Amendment 326

Massimiliano Salini, Aldo Patriciello

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

Text proposed by the Commission

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

Amendment

2. ***If markets are not fit for RES,*** Member States may provide for derogation from balance responsibility in respect of:

Or. en

Amendment 327
Claude Turmes
on behalf of the Verts/ALE Group

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

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

In line with enabling active consumer participation, the provisions have to be adapted so that smaller players can participate to the internal energy market.

Amendment 328
Eva Kaili

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 329

Zdzisław Krasnodebski, Evžen Tošenovský

Proposal for a regulation

Article 4 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) *demonstration projects;* *deleted*

Or. en

Amendment 330

Kaja Kallas, Pavel Telička, Morten Helveg Petersen, Angelika Mlinar

Proposal for a regulation

Article 4 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) *demonstration projects;* *deleted*

Or. en

Amendment 331

Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Miroslav Poche

Proposal for a regulation

Article 4 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) *demonstration projects;* (a) *demonstration projects for innovative technologies with an installed electricity capacity of less than 500 kW;*

Or. en

Amendment 332

Kaja Kallas, Pavel Telička, Morten Helveg Petersen, Angelika Mlinar

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 333
Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

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 334
Zdzisław Krasnodebski, Evžen Tošenovský

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 335

Gunnar Hökmark

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 336

Claude Turmes

on behalf of the Verts/ALE Group

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**;

(b) electricity generated in installations using renewable energy sources or **generated in a** high-efficiency cogeneration **process in installations** with an installed capacity of less than **3 MW (or 3 generation units)**. **As of 1 January 2026, this threshold shall be reduced to 1 MW provided that a liquid intraday market exists, that market barriers are removed and that installations using renewable energy sources can access at least three service providers to outsource the management of their balancing responsibilities.**

Or. en

Justification

In line with enabling active consumer participation, the provisions have to be adapted so that smaller players can participate to the internal energy market.

Amendment 337

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Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula–Natri, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López

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 500 kW; ***except for electricity from wind energy where an installed capacity of 3MW or 3 generation units applies;***

Or. en

Amendment 338

Jerzy Buzek, Janusz Lewandowski, Marian-Jean Marinescu

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 500 kW ***if the relevant DSO raises no objections;***

Or. en

Justification

The proposed amendment aims to clarify that the new generating installations using renewable energy sources or high-efficiency cogeneration with an installed electricity capacity of less than 500 kW, may be exempted from the balancing responsibility by the relevant Member State, provided however that the relevant DSO does not raise any objections.

Amendment 339

Massimiliano Salini, Aldo Patriciello

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 **10 kW**;

Or. en

Amendment 340

Dario Tamburrano, David Borrelli

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 341

Cornelia Ernst

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

Amendment

(b) generating installations using renewable energy sources or high-efficiency cogeneration with an installed

electricity capacity of less than **500 kW**;

electricity capacity of less than **1 MW**;

Or. en

Amendment 342

Pavel Telička

Proposal for a regulation

Article 4 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) installations benefitting from support approved by the Commission under Union State aid rules pursuant to Articles 107 to 109 TFEU, and commissioned prior to [OP: entry into force]. Member States may, subject to Union state aid rules, incentivize market participants which are fully or partly exempted from balancing responsibility to accept full balancing responsibility against appropriate compensation.

deleted

Or. en

Amendment 343

Gunnar Hökmark

Proposal for a regulation

Article 4 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) installations benefitting from support approved by the Commission under Union State aid rules pursuant to Articles 107 to 109 TFEU, and commissioned prior to [OP: entry into force]. Member States may, subject to Union state aid rules, incentivize market participants which are fully or partly exempted from balancing responsibility to accept full balancing responsibility against appropriate compensation.

deleted

Amendment 344

Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López

Proposal for a regulation

Article 4 – paragraph 2 – point c

Text proposed by the Commission

(c) installations benefitting from support approved by the Commission under Union State aid rules pursuant to Articles 107 to 109 TFEU, and commissioned prior to [OP: entry into force]. Member States may, ***subject to Union state aid rules***, incentivize market participants which are fully or partly exempted from balancing responsibility to accept full balancing responsibility against appropriate compensation.

Amendment

(c) installations benefitting from support approved by the Commission under Union State aid rules pursuant to Articles 107 to 109 TFEU, and commissioned prior to [OP: entry into force]. Member States may incentivize market participants which are fully or partly exempted from balancing responsibility to accept full balancing responsibility against appropriate compensation. ***Member States shall ensure that balancing responsibility is taken by other market participants for the electricity generated from installations subject to a derogation from balance responsibility.***

Amendment 345

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 4 – paragraph 2 – point c

Text proposed by the Commission

(c) installations benefitting from support approved by the Commission ***under Union State aid rules*** pursuant to Articles 107 to 109 TFEU, and commissioned prior to [OP: entry into force]. Member States may, subject to Union state aid rules, incentivize market

Amendment

(c) installations benefitting from support approved by the Commission pursuant to Articles 107 to 109 TFEU, and commissioned prior to [OP: entry into force]. Member States may, subject to Union state aid rules, incentivize market participants which are fully or partly

participants which are fully or partly exempted from balancing responsibility to accept full balancing responsibility against appropriate compensation.

exempted from balancing responsibility to accept full balancing responsibility against appropriate compensation.

Or. en

Justification

The applicable scope must be narrowed to the relevant articles.

Amendment 346

Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López

Proposal for a regulation

Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Where Member States do not provide for a derogation from balancing responsibility allowed under paragraph 2, they shall ensure well-functioning markets are established for the delegation of balancing responsibility from small-scale generating installations using renewable sources or high-efficiency cogeneration. In particular, they shall ensure the availability of at least three providers for the delegation of balancing responsibility and transparent, cost-reflective and proportionate pricing.

Or. en

Amendment 347

Massimiliano Salini, Aldo Patriciello

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 **deleted**

generating installations using renewable energy sources or high-efficiency cogeneration with an installed electricity capacity of less than 250 kW.

Or. en

Amendment 348

Dario Tamburrano, David Borrelli

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 349

Claude Turmes

on behalf of the Verts/ALE Group

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**

Justification

A further reduction of the threshold is introduced in the previous paragraph and a derogation should always be kept for de minimis installations.

Amendment 350
Gunnar Hökmark

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**

Amendment 351
Kaja Kallas, Pavel Telička, Morten Helveg Petersen, Angelika Mlinar

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**

Amendment 352
Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

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

Amendment 353
Cornelia Ernst

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

Amendment 354

Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López

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

3. From 1 January 2026, point (b) of paragraph 2 shall apply only to generating installations using high-efficiency cogeneration with an installed electricity capacity of less than **400** kW.

than 250 kW.

Or. en

Amendment 355

Kaja Kallas, Fredrick Federley, Morten Helveg Petersen, Angelika Mlinar, Carolina Punset

Proposal for a regulation

Article 4 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. For the purpose of paragraph 1, Member states shall ensure that all market participants have access to competitive balancing markets and services for the delegation of their balancing responsibility and other flexibility services that are cost-reflective, and provide fair value for balancing.

Or. en

Amendment 356

Carolina Punset

Proposal for a regulation

Article 4 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. From 1 January 2020, all power plants, using renewable energy sources, with an installed electricity capacity of more than 5 MW shall be able to receive in real time from the relevant TSO a maximum set point for their energy production.

Or. en

Justification

Currently the magnitude visible to the TSO is the net of consumption and energy production of the generation units, not the actual demand or energy delivery of these production units, making demand forecasts and generation less reliable and the system less secure and more necessitated of reserves and flexibility resources.

Amendment 357

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 4 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States shall comply with the provisions of the above paragraphs through the reporting process on the internal energy market as provided in Article 21 of the Governance regulation [add reference].

Or. en

Justification

Reporting processes should be streamlined through the Governance Regulation to avoid additional administrative burden.

Amendment 358

Kathleen Van Brempt

Proposal for a regulation

Article 5 – paragraph 1

Text proposed by the Commission

Amendment

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.

1. All market participants, **including those offering electricity production from variable renewable energy sources, storage and demand side management services**, 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.

Or. en

Amendment 359

Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Eugen Freund, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López, Dan Nica

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, ***including those providing electricity generated from variable renewable sources and demand side response and storage services*** 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

Amendment 360

Pilar del Castillo Vera, Francesc Gambús, Pilar Ayuso

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

Amendment

1. All market participants shall have ***successfully completed a qualification process in order to become a balancing service provider***, be it individually or through aggregation. Balancing market rules and products shall respect the need to accommodate increasing shares of variable

and the advent of new technologies.

generation as well as increased demand responsiveness and the advent of new technologies.

Or. en

Amendment 361

Cornelia Ernst

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, **including small decentralized or distributed 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, renewable energy communities and active customers, as a category of market participants, face diverse regulatory and market barriers that are not well understood or acknowledged by national authorities and that are effectively preventing them from participating in the balancing market. The proposed amendment would provide a stronger obligation for national authorities to ensure that these barriers are removed and that active customers and local energy communities do not only have partial access to the balancing market.

Amendment 362

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 5 – paragraph 1

Text proposed by the Commission

Amendment

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.

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 ***including small decentralised or distributed generation***, as well as increased demand responsiveness and the advent of new technologies.

Or. en

Justification

Decentralised and distributed generation require an access to balancing markets to be able to effectively participate and be integrated in the electricity market.

Amendment 363
Jaromír Kohlíček

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

Amendment

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.

1. All ***prequalified*** 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.

Or. en

Justification

Proposal requires access of all market participants to the balancing markets, mainly with focus on new technologies (RES, storages, aggregators). Nevertheless certification requirements for these new technologies are omitted together with not existent definition. We therefore propose to include specification of certification requirements for balancing market participants.

Amendment 364

Pavel Telička

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 **prequalified** 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.

Or. en

Justification

Proposal requires access of all market participants to the balancing markets, mainly with focus on new technologies such as renewables, energy storage or aggregators). Nevertheless certification requirements for these new technologies are omitted.

Amendment 365

Evžen Tošenovský

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 **prequalified** 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.

Or. en

Amendment 366

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

Amendment 367

Claude Turmes

on behalf of the Verts/ALE Group

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, **in particular through product definition, bid size, duration and gate closure**, as to 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 generation, and individual and aggregated** demand side response and storage **and taking account of the different ownership of the generation. Balancing markets shall allow prequalification for a pool of decentralised resources, rather than individual units.**

Or. en

Justification

Balancing markets must cater for the new needs that are required to allow market participation of new, innovative and more distributed actors.

Amendment 368

Dario Tamburrano, David Borrelli

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 small decentralised or distributed 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 369

Paul Rübzig

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

Amendment

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.

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. ***All generation, storage and demand resources shall participate on equal footing in the market.***

Or. en

Amendment 370

Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Eugen Freund, Patrizia Toia, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López

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 taking account of the different technical capability of generation from variable renewable sources and demand side response and storage ***with particular attention paid to small-scale producers of renewable energy.***

Or. en

Amendment 371

Cornelia Ernst

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

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***

from variable renewable sources and demand side response and storage.

small decentralized or distributed generation, and demand side response and storage.

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 enabling the development of distributed renewable energy resources, not just individually but also through aggregation, including by active customers and renewable energy communities.

Amendment 372
Werner Langen

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 taking account of the different technical capability of generation from variable renewable sources, ***sectoral integration*** and demand side response and storage.

Or. de

Justification

Adding sectoral integration to the regulation will ensure stability and a level playing field among all the market-based resources, which will help achieve the objectives of the EU's internal energy market.

Amendment 373
Carolina Punset

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission

Amendment

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.*

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 374

Jerzy Buzek, Janusz Lewandowski, Marian-Jean Marinescu

Proposal for a regulation

Article 5 – paragraph 3

Text proposed by the Commission

3. Balancing energy shall be procured separately from balancing capacity. Procurement processes shall be transparent while at the same time respecting confidentiality.

Amendment

3. Balancing energy shall be procured separately from balancing capacity. ***When economically efficient and subject to approval by the national regulatory authority, procurement of balancing energy and balancing capacity may be performed under an integrated process.*** Procurement processes shall be transparent while at the same time respecting confidentiality.

Or. en

Justification

Member States should be given a certain degree of competence, which would i.e. enable them to adjust the procurement processes for balancing energy and balancing capacity to the specificity of the national market (e.g. whether the system is centrally dispatched, or not) with a view of ensuring economic efficiency.

Amendment 375
Zdzisław Krasnodębski

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

3. Balancing energy shall be procured separately from balancing capacity. Procurement processes shall be transparent while at the same time respecting confidentiality.

Amendment

3. Balancing energy shall be procured separately from balancing capacity. ***When economically efficient and subject to approval by the national regulatory authority, procurement of balancing energy and balancing capacity may be performed under an integrated process.*** Procurement processes shall be transparent while at the same time respecting confidentiality.

Or. en

Amendment 376
Claude Turmes
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 5 – paragraph 4

Text proposed by the Commission

4. Balancing markets shall ensure operational security whilst allowing for maximum use and efficient allocation of cross-zonal capacity across timeframes in accordance with Article 15.

Amendment

4. Balancing markets shall ensure operational security whilst allowing for maximum use and efficient allocation of cross-zonal capacity across timeframes in accordance with Article 15. ***To this effect, there shall be no reservation of cross-zonal capacity for balancing purposes, with the exception of the calculated capacity as defined by the regional operation centres.***

Or. en

Justification

In order to achieve system efficiency, capacity reservation shall be minimised.

Amendment 377

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 5 – paragraph 5

Text proposed by the Commission

5. Marginal pricing shall be used for the settlement of balancing energy. Market participants shall be allowed to bid as close to real time as possible, **and at least** after the intraday cross-zonal gate closure time **determined in accordance with Article 59 of Commission Regulation (EU) 2015/1222³⁴.**

Amendment

5. Marginal pricing shall be used for the settlement of balancing energy. **On balancing markets**, market participants shall be allowed to bid as close to real time as possible after the intraday cross-zonal gate closure time.

³⁴ *Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a guideline on capacity allocation and congestion management (OJ L 197, 25.7.2015, p. 24).*

Or. en

Justification

These provisions are necessary for a flexible and efficient market, that can integrate high shares of variable renewable energy.

Amendment 378

Pilar del Castillo Vera, Pilar Ayuso, Francesc Gambús

Proposal for a regulation

Article 5 – paragraph 5

Text proposed by the Commission

5. **Marginal pricing shall be used for the settlement of balancing energy.** Market participants shall be allowed to bid as close to real time as possible, and at least **after the** intraday cross-zonal gate closure time determined in accordance with

Amendment

5. **The settlement of balancing energy shall be based on marginal pricing.** Market participants shall be allowed to bid as close to real time as possible, and at least **until the relevant** intraday cross-zonal gate closure time

Article 59 of Commission Regulation (EU) 2015/1222³⁴.

determined in accordance with Article 59 of Commission Regulation (EU) 2015/1222³⁴.

³⁴ Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a guideline on capacity allocation and congestion management (OJ L 197, 25.7.2015, p. 24).

³⁴ Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a guideline on capacity allocation and congestion management (OJ L 197, 25.7.2015, p. 24).

Or. en

Amendment 379

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation Article 5 – paragraph 5

Text proposed by the Commission

5. Marginal pricing shall be used for the settlement of balancing energy. Market participants shall be allowed to bid as close to real time as possible, and at least after the intraday cross-zonal gate closure time determined in accordance with Article 59 of Commission Regulation (EU) 2015/1222³⁴.

Amendment

5. Marginal Pricing *or pay-as bid* shall be used for the settlement of balancing energy. Market participants shall be allowed to bid as close to real time as possible, and at least after the intraday cross-zonal gate closure time determined in accordance with Article 29 of Commission Regulation (EU) 2015/1222.

³⁴ Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a guideline on capacity allocation and congestion management (OJ L 197, 25.7.2015, p. 24).

Or. en

Amendment 380

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation Article 5 – paragraph 6

Text proposed by the Commission

Amendment

6. The imbalances shall be settled at a price that reflects the real time value of energy.

6. The imbalances shall be settled at a price that reflects the real time value of energy *as observed on the activity on the commercial markets close to real time.*

Or. en

Amendment 381
Evžen Tošenovský

Proposal for a regulation
Article 5 – paragraph 6

Text proposed by the Commission

Amendment

6. The imbalances shall be settled at a price that reflects the real time value of energy.

6. The imbalances shall be settled at a price that reflects the real time value of energy *calculated according to EB GL.*

Or. en

Amendment 382
Jaromír Kohlíček

Proposal for a regulation
Article 5 – paragraph 6

Text proposed by the Commission

Amendment

6. The imbalances shall be settled at a price that reflects the real time value of energy.

6. The imbalances shall be settled at a price that reflects the real time value of energy *calculated according to EB GL*

Or. en

Justification

Par.6 includes unclear definition of “the real time value of energy”, which could cause issues in future implementation in real operation. Link to Commission regulation establishing a guideline on electricity balancing (EB GL) clarifies process of calculation of real time value of energy.

Amendment 383

Zdzisław Krasnodębski

**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

Amendment 384

Pavel Telička

**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

Member States should have a possibility to procure balancing services year-ahead while TSO would be obliged to procure part of the balancing services on the short term markets.

Amendment 385

Jaromír Kohlíček

Proposal for a regulation

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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

Amendment 386
Evžen Tošenovský

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

Amendment 387
Françoise Grossetête

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

7. The sizing of reserve capacity may be facilitated, when appropriate and based on national specificities, at regional level

transmission system operators in determining the amount of balancing capacity that needs to be procured in accordance with point 8 of Annex I.

in accordance with point 7 of Annex I.

Or. en

Amendment 388
Paul Rübiger

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

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 ***including energy storage*** that needs to be procured in accordance with point 8 of Annex I.

Or. en

Amendment 389
Evžen Tošenovský

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

deleted

Amendment 390
Jaromír Kohlíček

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 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.*

deleted

Or. en

Amendment 391
Martina Werner, Flavio Zanonato, Carlos Zorrinho, Miapetra Kumpula-Natri, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López

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 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.

8. The procurement of balancing capacity shall be *performed by the transmission system operators*. The procurement shall be based on a primary market and be non-discriminatory between market participants in the prequalification process individually or through aggregation. *The reservation of cross-zonal capacity for the exchange of balancing capacity shall be limited to 5% of the available capacity for the exchange of energy of the previous relevant calendar year between the respective bidding zones.*

Amendment 392
Françoise Grossetête

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 **may** be facilitated on a **cross-border** level **on a voluntary basis and grounded on the Electricity Balancing Guideline provisions**. 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 **subject to technical constraints inherent in managing networks**.

Amendment 393
Zdzisław Krasnodębski

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.

Amendment 394

Claude Turmes

on behalf of the Verts/ALE Group

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 organised in such a way as to be non-discriminatory between market participants in the prequalification process, ***whether market participants participate*** individually or through aggregation.

Or. en

Justification

Especially smaller market participants should be enabled to participate via aggregation.

Amendment 395

Paul Rübzig

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 ***including energy storage*** 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.

Or. en

Amendment 396

Cornelia Ernst

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, ***whether market participants participate*** individually or through aggregation.

Or. en

Amendment 397

Dario Tamburrano, David Borrelli

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

Or. en

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 398

Kaja Kallas, Fredrick Federley, Morten Helveg Petersen, Angelika Mlinar, Carolina Punset, Gerben-Jan Gerbrandy

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 ***cross-border and*** 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 individually or through aggregation.

Or. en

Amendment 399

Françoise Grossetête

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.

Or. en

Justification

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

Amendment 400
Evžen Tošenovský

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, **except in cases described in Article 32 (3) of Commission Regulation (EU).../...establishing a guideline on electricity balancing (EBGL)**. The contracting **should** be performed **on short-term basis** for not longer than one day before the provision of the balancing capacity and the contracting period shall have a maximum **period** of one day. **When cost efficient, the contracting may be partially performed on a longer term basis with a longer contracting period.**

Or. en

Amendment 401
Jaromír Kohlíček

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, ***except in cases described in Article 32 (3) of Commission Regulation (EU).../...establishing a guideline on electricity balancing (EBGL)***. The contracting shall be performed ***on short-term basis*** for not longer than one day before the provision of the balancing capacity and the contracting period shall have a maximum of one day. ***When cost efficient, the contracting may be partially performed on a longer term basis with a longer contacting period.***

Or. en

Justification

We prefer to have a possibility to procure balancing services year-ahead while TSO would be obliged to procure part of the balancing services on the short term markets. Market participant not able to deliver balancing services for the whole year would be hereby enabled to participate on the balancing markets without compromising secure system operation. Setting of upward and downward balancing capacity (in our understanding includes balancing and also ancillary services) and its day-ahead procurement on regional level is in our opinion directly linked with secure system operation and real system operation. Smaller countries with relatively small amount of power blocks compared to their capacity and with relatively limited cross-border capacity may be significantly negatively affected by procurement on day-ahead market. Moreover reservation of cross-border capacity for balancing also threatens the most liquid cross-border trades and is in conflict with art. 6, where markets (DA, ID) should maximize ability of market participants to contribute to avoid system imbalances; even before balancing markets.

Amendment 402
Miroslav Poche

Proposal for a regulation
Article 5 – paragraph 9

Text proposed by the Commission

9. The procurement of upward

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Amendment

9. The procurement of upward

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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.***

balancing capacity and downward balancing capacity shall be carried out separately.

Or. en

Justification

It is also 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.

Amendment 403

Ashley Fox

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

Amendment 404

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 5 – paragraph 9

Text proposed by the Commission

9. The procurement of upward balancing capacity and downward

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.

balancing capacity shall be carried out separately. **Procurement of balancing capacity** shall be performed for not longer than one day before the provision of the balancing capacity and the contracting period shall have a maximum **duration** of one day.

Or. en

Justification

This clarification is intended to underline the duration of balancing capacity contracting period.

Amendment 405 **Luděk Niedermayer**

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. **At least 50% of** the contracting shall be performed for not longer than one day before the provision of the balancing capacity and the **remaining part** shall **be contracted up to 3 months**.

Or. en

Amendment 406 **András Gyürk, György Hölvényi**

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**

Amendment

9. The procurement of upward balancing capacity and downward balancing capacity shall be carried out separately. Contracting **and** the provision

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.

of balancing capacity *shall be performed in the shortest timeframe allowed by the characteristics of the Member State's infrastructure.*

Or. en

Amendment 407

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 5 – paragraph 10

Text proposed by the Commission

10. Transmission system operators shall publish close to real-time information on the current balancing state of their control areas, the imbalance price and the balancing energy price.

Amendment

10. Transmission system operators *or third parties to whom these responsibilities have either been delegated by the relevant TSO, Member State or regulatory authority* shall publish close to real-time information on the current balancing state of their control areas, the imbalance price and the balancing energy price.

Or. en

Justification

Information is required by all participants to the balancing market.

Amendment 408

Pilar del Castillo Vera, Pilar Ayuso, Francesc Gambús

Proposal for a regulation

Article 5 – paragraph 10

Text proposed by the Commission

10. Transmission system operators shall publish close to real-time information on the current balancing state of their control areas, the imbalance price and the balancing energy price.

Amendment

10. Transmission system operators shall publish close to real-time information on the current balancing state of their control areas, the *estimated* imbalance price and the *estimated* balancing energy

price.

Or. en

Amendment 409

Pavel Telička

Proposal for a regulation

Article 5 – paragraph 10

Text proposed by the Commission

10. Transmission system operators shall publish close to real-time information on the current balancing state of their control areas, ***the imbalance price and*** the balancing energy price.

Amendment

10. Transmission system operators shall publish close to real-time information on the current balancing state of their control areas ***and the estimate of*** the balancing energy price.

Or. en

Amendment 410

Jaromír Kohlíček

Proposal for a regulation

Article 5 – paragraph 10

Text proposed by the Commission

10. Transmission system operators shall publish close to real-time information on the current balancing state of their control areas, ***the imbalance price*** and the balancing energy price.

Amendment

10. Transmission system operators shall publish close to real-time information on the current balancing state of their control areas, and the ***estimate of*** balancing energy price.

Or. en

Justification

We propose to delete imbalance price from the list of public information by TSO. The imbalance price is calculated according to data received from TSO/DSO with a delay of at least day after (ex post). Moreover this issue is already included in more detail in Commission regulation establishing a guideline on electricity balancing (EB GL).

Amendment 411
Evžen Tošenovský

Proposal for a regulation
Article 5 – paragraph 10

Text proposed by the Commission

10. Transmission system operators shall publish close to real-time information on the current balancing state of their control areas, *the imbalance price* and the balancing energy price.

Amendment

10. Transmission system operators shall publish close to real-time information on the current balancing state of their control areas, and the *estimate of* balancing energy price.

Or. en

Amendment 412

Kaja Kallas, Fredrick Federley, Morten Helveg Petersen, Angelika Mlinar, Carolina Punset

Proposal for a regulation
Article 5 – paragraph 10 a (new)

Text proposed by the Commission

Amendment

10a. Member States shall report on the functioning and transparency of, and access, in particular by small providers, to, the balancing markets, in particular for the purpose of Article 4, through the reporting procedure on the internal energy market laid down in Article 21 of Regulation .../... [Governance of the Energy Union].

Or. en

Amendment 413
Jaromír Kohlíček

Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

Amendment

1. Transmission system operators and

1. Transmission system operators and

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nominated electricity market operators shall jointly organise the management of the integrated day-ahead and intraday markets based on market coupling as set out in Regulation (EU) 2015/1222. Transmission system operators and nominated electricity market operators shall cooperate at Union level or, where more appropriate, on a regional basis in order to maximise the efficiency and effectiveness of Union electricity day-ahead and intraday trading. The obligation to cooperate shall be without prejudice to the application of the provisions of Union competition law. In their functions relating to electricity trading, transmission system operators and nominated market operators shall be subject to regulatory oversight by regulators and the Agency pursuant to Article 59 of [recast of Directive 2009/72/EC as proposed by COM(2016) 864/2] and Articles 4 and 9 of [recast of Regulation (EC) No 713/2009 as proposed by COM(2016) 863/2].

nominated electricity market operators shall jointly organise the management of the integrated day-ahead and intraday markets based on market coupling as set out in Regulation (EU) 2015/1222. Transmission system operators and nominated electricity market operators shall cooperate at Union level or, where more appropriate, on a regional basis in order to maximise the efficiency and effectiveness of Union electricity day-ahead and intraday trading. The obligation to cooperate shall be without prejudice to the application of the provisions of Union competition law. In their functions relating to electricity trading, transmission system operators and nominated *electricity* market operators shall be subject to regulatory oversight by regulators and the Agency pursuant to Article 59 of [recast of Directive 2009/72/EC as proposed by COM(2016) 864/2] and Articles 4 and 9 of [recast of Regulation (EC) No 713/2009 as proposed by COM(2016) 863/2].

Or. en

Amendment 414
Evžen Tošenovský

Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

1. Transmission system operators and nominated electricity market operators shall jointly organise the management of the integrated day-ahead and intraday markets based on market coupling as set out in Regulation (EU) 2015/1222. Transmission system operators and nominated electricity market operators shall cooperate at Union level or, where more appropriate, on a regional basis in order to maximise the efficiency and effectiveness of Union electricity day-

Amendment

1. Transmission system operators and nominated electricity market operators shall jointly organise the management of the integrated day-ahead and intraday markets based on market coupling as set out in Regulation (EU) 2015/1222. Transmission system operators and nominated electricity market operators shall cooperate at Union level or, where more appropriate, on a regional basis in order to maximise the efficiency and effectiveness of Union electricity day-

ahead and intraday trading. The obligation to cooperate shall be without prejudice to the application of the provisions of Union competition law. In their functions relating to electricity trading, transmission system operators and nominated market operators shall be subject to regulatory oversight by regulators and the Agency pursuant to Article 59 of [recast of Directive 2009/72/EC as proposed by COM(2016) 864/2] and Articles 4 and 9 of [recast of Regulation (EC) No 713/2009 as proposed by COM(2016) 863/2].

ahead and intraday trading. The obligation to cooperate shall be without prejudice to the application of the provisions of Union competition law. In their functions relating to electricity trading, transmission system operators and nominated *electricity* market operators shall be subject to regulatory oversight by regulators and the Agency pursuant to Article 59 of [recast of Directive 2009/72/EC as proposed by COM(2016) 864/2] and Articles 4 and 9 of [recast of Regulation (EC) No 713/2009 as proposed by COM(2016) 863/2].

Or. en

Amendment 415

Dario Tamburrano, David Borrelli

Proposal for a regulation

Article 6 – paragraph 2 – point a

Text proposed by the Commission

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

Amendment

(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 416

Cornelia Ernst

Proposal for a regulation

Article 6 – paragraph 2 – point a

Text proposed by the Commission

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

Amendment

(a) be non-discriminatory;

Justification

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

Amendment 417
Evžen Tošenovský

Proposal for a regulation
Article 6 – paragraph 2 – point c

Text proposed by the Commission

(c) maximise the opportunities for market participants to participate in **cross-border** trade as close as possible to real time across all bidding zones;

Amendment

(c) maximise the opportunities for market participants to participate in **cross-zonal** trade as close as possible to real time across all bidding zones;

Or. en

Amendment 418
Jaromír Kohlíček

Proposal for a regulation
Article 6 – paragraph 2 – point c

Text proposed by the Commission

(c) maximise the opportunities for market participants to participate in **cross-border** trade as close as possible to real time across all bidding zones;

Amendment

(c) maximise the opportunities for market participants to participate in **cross-zonal** trade as close as possible to real time across all bidding zones;

Or. en

Justification

New definition according to “nominated electricity market operator”. “Cross-border trade” is not defined correctly. We propose to use more specific term „cross-zonal“, already used in the Commission’s Regulation (EU) 2015/1222. It is also appropriate to change use of all terms “cross-border trade” to “cross-zonal”. We propose to remove par. 3 as this topic is already used in more detail in Commission’s Regulation (EU) 2015/1222 (CACM).

Amendment 419

Pilar del Castillo Vera, Francesc Gambús, Pilar Ayuso

Proposal for a regulation

Article 6 – paragraph 2 – point e

Text proposed by the Commission

(e) ensure operational security whilst allowing for **maximum** use of transmission capacity;

Amendment

(e) ensure operational security whilst allowing for **optimal** use of transmission capacity;

Or. en

Amendment 420

Martina Werner, Peter Kouroumbashev, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Jens Geier, Miroslav Poche

Proposal for a regulation

Article 6 – paragraph 2 – point h

Text proposed by the Commission

(h) **make no distinction between trades made within a bidding zone and across bidding zones.**

Amendment

(h) **be based on bidding zones that are as large, stable and liquid as possible across different Member States.**

Or. en

Amendment 421

Jaromír Kohlíček

Proposal for a regulation

Article 6 – paragraph 3

Text proposed by the Commission

3. Market operators shall be free to develop products and trading opportunities that suit market participants' demand and needs and ensure that all market participants are able to access the market individually or through aggregation. They shall respect the need to accommodate increasing shares of variable generation as well as

Amendment

deleted

increased demand responsiveness and the advent of new technologies.

Or. en

Amendment 422
Evžen Tošenovský

Proposal for a regulation
Article 6 – paragraph 3

Text proposed by the Commission

Amendment

3. Market operators shall be free to develop products and trading opportunities that suit market participants' demand and needs and ensure that all market participants are able to access the market individually or through aggregation. They shall respect the need to accommodate increasing shares of variable generation as well as increased demand responsiveness and the advent of new technologies.

deleted

Or. en

Amendment 423
Claude Turmes
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 6 – paragraph 3

Text proposed by the Commission

Amendment

3. Market operators shall be free to develop products and trading opportunities that suit market participants' demand and needs and ensure that all market participants are able to access the market individually or through aggregation. They shall **respect the need to** accommodate increasing shares of variable generation as well as increased demand responsiveness

3. Market operators shall be free to develop products and trading opportunities that suit market participants' demand and needs and ensure that all market participants are able to access the market individually or through aggregation. They shall accommodate increasing shares of variable **renewable** generation as well as increased demand responsiveness and the

and the advent of new technologies.

advent of new technologies. ***Market operators shall ensure that local communities have a proportionate and simple access to the market.***

Or. en

Justification

Market rules shall enable involvement of consumers, local communities or cooperatives and must be adapted to their characteristics and capabilities.

Amendment 424

Paul Rübiger

Proposal for a regulation

Article 6 – paragraph 3

Text proposed by the Commission

3. Market operators shall be free to develop products and trading opportunities that suit market participants' demand and needs and ensure that all market participants are able to access the market individually or through aggregation. They shall respect the need to accommodate increasing shares of variable generation as well as increased demand responsiveness and the advent of new technologies.

Amendment

3. Market operators shall be free to develop products and trading opportunities that suit market participants' demand and needs and ensure that all market participants are able to access the market individually or through aggregation. They shall respect the need to accommodate increasing shares of variable generation ***including energy storage*** as well as increased demand ***and energy storage*** responsiveness and the advent of new technologies.

Or. en

Amendment 425

Pilar del Castillo Vera, Pilar Ayuso, Francesc Gambús

Proposal for a regulation

Article 6 – paragraph 3

Text proposed by the Commission

3. Market operators shall be free to ***develop*** products and trading opportunities that suit market participants' demand and

Amendment

3. Market operators shall be free to ***propose to the national competent authority*** products and trading

needs and ensure that all market participants are able to access the market individually or through aggregation. They shall respect the need to accommodate increasing shares of variable generation as well as increased demand responsiveness and the advent of new technologies.

opportunities that suit market participants' demand and needs and ensure that all market participants are able to access the market individually or through aggregation. They 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

Amendment 426

Dan Nica, José Blanco López, Peter Kouroumbashev, Zigmantas Balčytis, Soledad Cabezón Ruiz, Miroslav Poche

Proposal for a regulation Article 6 – paragraph 3

Text proposed by the Commission

3. Market operators shall be free to develop products and trading opportunities that suit market participants' demand and needs and ensure that all market participants are able to access the market individually or through aggregation. They shall respect the need to accommodate increasing shares of variable generation as well as increased demand responsiveness and the advent of new technologies.

Amendment

3. Market operators shall be free to develop products and trading opportunities that suit market participants' demand and needs and ensure that all market participants are able to access the market individually or through aggregation. They shall respect the need to accommodate increasing shares of variable generation **and storage** as well as increased demand responsiveness and the advent of new technologies.

Or. en

Amendment 427

Martina Werner, Carlos Zorrinho, Miapetra Kumpula-Natri, Miroslav Poche

Proposal for a regulation Article 7 – paragraph 1

Text proposed by the Commission

1. Market operators shall allow market participants to trade energy as close

Amendment

1. Market operators shall allow market participants to trade energy as close

to real time as possible and at least up to *the intraday cross-zonal gate closure time determined in accordance with Article 59 of Regulation (EU) 2015/1222.*

to real time as possible and at least up to *15 minutes before real time across all bidding zones.*

Or. en

Amendment 428

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

1. Market operators shall allow market participants to trade energy as close to real time as possible and at least up to the *intraday cross-zonal gate closure time determined in accordance with Article 59 of Regulation (EU) 2015/1222.*

Amendment

1. Market operators shall allow market participants to trade energy as close to real time as possible and at least up to the *5 minutes before real time across all bidding zones*

Or. en

Justification

These provisions are necessary for a flexible and efficient market, that can integrate high shares of variable renewable energy.

Amendment 429

Pilar del Castillo Vera, Pilar Ayuso, Francesc Gambús

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

1. Market operators shall allow market participants to trade energy as close to real time as possible and at least up to the intraday cross-zonal gate closure time determined in accordance with Article 59 of Regulation (EU) 2015/1222.

Amendment

1. Market operators shall allow market participants to trade energy as close to real time as possible and at least up to the *relevant* intraday cross-zonal gate closure time determined in accordance with Article 59 of Regulation (EU) 2015/1222.

Amendment 430

Dario Tamburrano, David Borrelli

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 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.***

Or. en

Amendment 431

Claude Turmes

on behalf of the Verts/ALE Group

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 Megawatt or less, to allow for the effective participation of demand-side response, energy storage and small-scale renewables. ***Market operators shall ensure that local communities have a proportionate and simple access to the market.***

Or. en

Justification

Market rules shall enable involvement of consumers, local communities or cooperatives and must be adapted to their characteristics and capabilities.

Amendment 432

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 433

Patrizia Toia

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 Megawatt or less, to allow for the effective participation of demand-side response, energy storage and small-scale renewables **including directly by customers**.

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 to participate in the market

Amendment 434

Martina Werner, Carlos Zorrinho, Miapetra Kumpula-Natri, Miroslav Poche

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 **100 Kilowatt** or less, to allow for the effective participation of demand-side response, energy storage and small-scale renewables.

Or. en

Amendment 435

Ashley Fox

Proposal for a regulation**Article 7 – paragraph 4***Text proposed by the Commission*

4. ***By 1 January 2025, the imbalance settlement period shall be 15 minutes in all control areas.***

Amendment

deleted

Or. en

Amendment 436

Miapetra Kumpula-Natri

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission

4. By 1 January 2025, the imbalance settlement period shall be 15 minutes in all control areas.

Amendment

4. By 1 January 2025, the imbalance settlement period shall be 15 minutes in all control areas.

The relevant regulatory authority may issue a derogation granted at its own initiative. Where the relevant regulatory authority grants a derogation, it shall specify its duration. The derogation may be granted only once and for a maximum period of four years.

Or. en

Justification

The forced change to a 15 minute settlement period would penalise early adopters of smart meters such as Finland. A majority of Finnish smart meters were adopted in 2011-2013 with a one hour settlement period and their renewal before the end of their projected life cycle of 15 years is not justifiable.

Amendment 437

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission

4. By 1 January **2025**, the imbalance settlement period shall be 15 minutes in all control areas.

Amendment

4. By 1 January **2022**, the imbalance settlement period shall be 15 minutes in all control areas ***while ensuring that all boundaries of market time unit shall coincide with boundaries of the imbalance settlement period.***

Or. en

Amendment 438

Henna Virkkunen

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission

4. By 1 January 2025, the imbalance settlement period shall be 15 minutes in all control areas.

Amendment

4. By 1 January 2025, the imbalance settlement period shall be 15 minutes in all control areas. ***The relevant regulatory authority may issue a derogation. The derogation may be for a maximum of 4 years.***

Or. en

Justification

The proposal is welcomed, but there might be adaptation costs for some Member States. A transition will be needed for e.g. Member States where smart metering is systematically rolled out.

Amendment 439
Pilar del Castillo Vera, Pilar Ayuso, Francesc Gambús

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission

4. By 1 January 2025, the imbalance settlement period shall be 15 minutes in all control areas.

Amendment

4. By 1 January 2025, the imbalance settlement period shall be 15 minutes in all control areas ***for Member States that have reached a 10% level of interconnection.***

Or. en

Amendment 440
Pervenche Berès

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission

4. By 1 January 2025, the imbalance settlement period shall be 15 minutes in all

Amendment

4. By 1 January 2025, the imbalance settlement period shall be 15 minutes in all control areas, ***in order to ensure a cost***

control areas.

efficient harmonization.

Or. en

Justification

The date of 1 January 2015 must be maintained as proposed by the European Commission in order to ensure a real cost-efficient harmonization.

Amendment 441

Kaja Kallas, Fredrick Federley, Morten Helveg Petersen, Angelika Mlinar, Gerben-Jan Gerbrandy

Proposal for a regulation

Article 7 – paragraph 4

Text proposed by the Commission

4. By 1 January 2025, the imbalance settlement period shall be 15 minutes in all control areas.

Amendment

4. By 1 January 2025, the imbalance settlement period shall be 15 minutes *or less* in all control areas.

Or. en

Amendment 442

Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miroslav Poche

Proposal for a regulation

Article 7 – paragraph 4

Text proposed by the Commission

4. By 1 January **2025**, the imbalance settlement period shall be 15 minutes in all control areas.

Amendment

4. By 1 January **2021**, the imbalance settlement period shall be 15 minutes in all control areas.

Or. en

Amendment 443

Theresa Griffin, Jude Kirton-Darling, Clare Moody

Proposal for a regulation

Article 7 – paragraph 4 – point 1 (new)

Text proposed by the Commission

Amendment

(1) *The TSOs of a synchronous area may jointly request an exemption from the requirement laid down in paragraph 1.*

Or. en

Justification

The 15 minute imbalance settlement period has been proposed irrespective of the economic impact within individual Member States and irrespective of the fact that such harmonisation is not necessary to allow cross-border trade of electricity. National Regulatory Authorities and other parties across Europe invest considerable time and resources in developing Network Code and Guidelines, and it is important that they are not immediately undermined, or adjusted without an informed and structured discussion of the change in question. This amendment is in line with the agreement reached within Article 53 of the ‘Guidelines on Electricity Balancing’. That Article requires 15 minute harmonisation, but allows exemptions where cost benefit analyses (undertaken with ACER involvement) are performed.

Amendment 444

Ashley Fox

Proposal for a regulation

Article 7 – paragraph 4 – point 1 (new)

Text proposed by the Commission

Amendment

(1) *By 1 January 2025, the imbalance settlement period shall be 15 minutes in all control areas.*

Or. en

Amendment 445

Theresa Griffin, Jude Kirton-Darling, Clare Moody

Proposal for a regulation

Article 7 – paragraph 4 – point 2 (new)

Text proposed by the Commission

Amendment

(2) *Where the relevant regulatory authorities of a synchronous area grant an exemption from the requirement laid down in paragraph 4 upon a joint request*

of the TSOs in the concerned synchronous area or at their own initiative, they shall perform, in cooperation with the Agency and at least every three years, a cost-benefit analysis concerning the harmonisation of the imbalance settlement period within and between synchronous areas.

Or. en

Justification

National Regulatory Authorities and other parties across Europe invest considerable time and resources in developing Network Code and Guidelines, and it is important that they are not immediately undermined, or adjusted without an informed and structured discussion of the change in question. The agreement reached within Article 53 of the 'Guidelines on Electricity Balancing' allows exemptions where cost benefit analyses (undertaken with ACER involvement) are performed.

Amendment 446

Ashley Fox

Proposal for a regulation

Article 7 – paragraph 4 – point 2 (new)

Text proposed by the Commission

Amendment

(2) The TSOs of a synchronous area may jointly request an exemption from the requirement laid down in paragraph 1.

Or. en

Amendment 447

Ashley Fox

Proposal for a regulation

Article 7 – paragraph 4 – point 3 (new)

Text proposed by the Commission

Amendment

(3) Where the relevant regulatory authorities of a synchronous area grant an exemption from the requirement laid down in paragraph 1 upon a joint request

of the TSOs in the concerned synchronous area or at their own initiative, they shall perform, in cooperation with the Agency and at least every three years, a cost-benefit analysis concerning the harmonisation of the imbalance settlement period within and between synchronous areas.

Or. en

Amendment 448
Seán Kelly

Proposal for a regulation
Article 7 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Where Member States can demonstrate that the introduction of an imbalance settlement period of 15 minutes would adversely impact their consumers, the TSOs of a synchronous area may jointly request an exemption from the requirement laid down in paragraph 4.

Or. en

Amendment 449
Seán Kelly

Proposal for a regulation
Article 7 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. Where the relevant regulatory authorities of a synchronous area grant an exemption from the requirement laid down in paragraph 4 upon a joint request of the TSOs in the concerned area or at their own initiative, they shall perform, in cooperation with the Agency and at least every three years, a cost-benefit analysis

concerning the harmonisation of the imbalance settlement period within and between synchronous areas.

Or. en

Amendment 450

Seán Kelly

Proposal for a regulation

Article 7 – paragraph 4 c (new)

Text proposed by the Commission

Amendment

4c. The exemption must not be to the detriment of competition or the effective functioning of the internal market in electricity.

Or. en

Amendment 451

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 8 – paragraph 2

Text proposed by the Commission

Amendment

2. Long-term transmission rights shall be allocated in a transparent, market based and non-discriminatory manner through a single allocation platform. Long-term transmission rights shall be firm and **be transferable between market participants.**

2. Long-term transmission rights shall be allocated in a transparent, market based and non-discriminatory manner through a single allocation platform. Long-term transmission rights shall be firm and **follow the “use it or lose it” principle.**

Or. en

Justification

In case transmission rights are not used, they shall be put back to the allocation platform to maximise market efficiency.

Amendment 452
Massimiliano Salini, Aldo Patriciello

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission

3. Subject to compliance with treaty rules on competition, market operators shall be free to develop forward hedging products including for the long-term to provide market participants, in particular owners of generation facilities using renewable energy sources, with appropriate possibilities to hedge financial risks from price fluctuations. Member States shall not restrict such hedging activity to trades within a Member State or bidding zone.

Amendment

3. Subject to compliance with treaty rules on competition, market operators shall be free to develop forward hedging products including for the long-term to provide market participants, in particular owners of generation facilities using renewable energy sources, with appropriate possibilities to hedge financial risks from price fluctuations. Member States shall not restrict such hedging activity to trades within a Member State or bidding zone. ***In case of scarce liquidity in forward markets, in order to achieve decarbonisation and security of supply, Member State may introduce specific measures for developing long-term contracts.***

Or. en

Amendment 453
Cristian-Silviu Buşoi

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission

3. Subject to compliance with treaty rules on competition, market operators shall be free to develop forward hedging products including for the long-term to provide market participants, in particular owners of generation facilities using renewable energy sources, with appropriate possibilities to hedge financial risks from price fluctuations. Member States shall not restrict such hedging activity to trades within a Member State or bidding zone.

Amendment

3. Subject to compliance with treaty rules on competition, market operators shall be free to develop forward hedging products including for the long-term to provide market participants, in particular owners of generation facilities using renewable energy sources, with appropriate possibilities to hedge financial risks from price fluctuations. Member States shall not restrict such hedging activity to trades within a Member State or bidding zone. ***In***

case of scarce liquidity in forward markets, in order to achieve decarbonisation and security of supply, Member State may introduce specific measures for developing long-term contracts.

Or. en

Amendment 454

Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López

Proposal for a regulation Article 8 – paragraph 3

Text proposed by the Commission

3. ***Subject to compliance with treaty rules on competition***, market operators shall be free to develop forward hedging products including for the long-term to provide market participants, in particular owners of generation facilities using renewable energy sources, with appropriate possibilities to hedge financial risks from price fluctuations. Member States shall ***not restrict such hedging activity to trades within a Member State or bidding zone.***

Amendment

3. Market operators shall be free to develop forward hedging products including for the long-term to provide market participants, in particular owners of generation facilities using renewable energy sources, with appropriate possibilities to hedge financial risks from price fluctuations. Member States shall ***support liquidity of such products, in particular already developed exchange-based products, and allow them to be traded on large, cross-border bidding zones.***

Or. en

Amendment 455

Peter Kouroumbashev

Proposal for a regulation Article 8 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Considering electricity market participants' liberty to develop forward hedging products, the investors shall be

permitted to conclude contracts whose maturity takes into account the lifetime of the installation in question, regardless of the type of generation and of the type of facility. This shall be applicable to new and refurbished generations as well as storage and demand facilities.

Or. en

Justification

In order to ensure security of supply in the EU, we need to make sure that investors see security in the EU regulatory framework. Long-term visibility is important to attract investors in both, new and/or refurbished generation capacities, and in particular for decarbonised power plants. This amendment aims ensuring flexibility, at the same time the content of the contract, such as terms, conditions, duration etc. remains to be defined at national level by both parties of the contract.

Amendment 456
Françoise Grossetête

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 457
Françoise Grossetête

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 458

Claude Turmes

on behalf of the Verts/ALE Group

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.**

1. There shall be no maximum **nor** minimum limit of the wholesale electricity price. This provision shall apply, inter alia, to bidding and clearing in all **time frames** and include balancing energy and imbalance prices.

Or. en

Justification

In line with the market principles established through this regulation, price spikes and negative prices shall be possible to fully reflect market signals.

Amendment 459

Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miroslav Poche

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 ***and*** no minimum 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.

Or. en

Amendment 460

Evžen Tošenovský

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.***

Amendment

1. There shall be no limit of the wholesale electricity price unless it is set at the value of lost load as determined in accordance with Article 10. This provision shall apply, inter alia, to bidding and clearing in all timeframes and include balancing energy and imbalance prices.

This provision shall apply, inter alia, to bidding and clearing in all timeframes and include balancing energy and imbalance prices.

Or. en

Amendment 461
Jaromír Kohlíček

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 limit of the wholesale electricity price unless it is set at the value of lost load as determined in accordance with Article 10. This provision shall apply, inter alia, to bidding and clearing in all timeframes and include balancing energy and imbalance prices.

Or. en

Amendment 462
Jaromír Kohlíček

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***

Amendment

1. There shall be no maximum limit of the **electricity balancing market** price unless it is set **reflecting** the value of lost load as determined in accordance with Article 10. This provision shall apply, inter alia, to bidding and clearing in all

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.

timeframes and include balancing energy and imbalance prices.

Or. en

Amendment 463

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

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, the level of technical price limits should be the same among all bidding zones and markets to avoid market distortions. There shall be no minimum limit of the wholesale electricity price.***

Or. en

Amendment 464

Henna Virkkunen

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

Amendment

1. There shall be no maximum limit of the ***balancing market*** electricity price unless it is set at the value of lost load as

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.

determined in accordance with Article 10. There shall be no minimum limit of the **balancing market** 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. ***The price limits shall be the same for the common market area.***

Or. en

Justification

Balancing market are priced at a momentary power shortages or power surplus: the price may rise to higher levels. Financing market will price any day ahead market risks into the financial products.

Amendment 465 **Paul Rübzig**

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 case of markets being strongly interconnected, the level of technical price limits should be the same across all markets and bidding zones in order to avoid market distortions. There shall be no minimum 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.

Or. en

Justification

Barriers to free price formation including caps and floors should be removed, in particular when markets are coupled as different technical price limits may result in unintended effects.

Amendment 466

Peter Kouroumbashev, Miapetra Kumpula-Natri

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 **electricity balancing market** price unless it is set **reflecting** the value of lost load as determined in accordance with Article 10. There shall be no minimum limit of the **electricity balancing market** 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

Considering the difference between the long-term market and the day-ahead market, in the balancing market, it is important to allow the TSOs to ensure balancing power in the grid as well as flexible renewable production. If not, we risk producing additional costs, which will affect consumers.

Amendment 467

Kaja Kallas, Morten Helveg Petersen, Angelika Mlinar

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

Amendment

1. There shall be no maximum limit of the **electricity balancing market** price

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.

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 **electricity balancing market** 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

Amendment 468
Evžen Tošenovský

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. By way of derogation from paragraph 1, **nominated electricity** market operators may apply **harmonized** limits on maximum clearing prices for **single day-ahead coupling and single intra-day coupling time frames** in accordance with Articles 41 and 54 of Regulation (EU) 2015/1222. **Such harmonized limits shall be set at the value close to the value of lost load.** In the event that limits are, or are anticipated to be, reached, they shall be raised for the following day.

Or. en

Amendment 469
Jaromír Kohlíček

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission

Amendment

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.

2. By way of derogation from paragraph 1, ***nominated electricity*** market operators may apply ***harmonized*** limits on maximum clearing prices for ***single*** day-ahead ***coupling and single intra-day coupling*** in accordance with Articles 41 and 54 of Regulation (EU) 2015/1222. ***Such harmonized limits shall be set at the value close to the value of lost load.*** In the event that limits are, or are anticipated to be, reached, they shall be raised for the following day.

Or. en

Justification

Generally we support removal of price caps on the wholesale markets. We however don't support price restrictions in regard to technical price caps for market clearing. It is unclear how to set harmonised min/max clearing prices according to article 10 (Value of lost load – VoLL), if VoLLs will be different in each Member State. Some provisions are already included in Commission's Regulation (EU) 2015/1222 (CACM) .Implementation of article 9 in the original wording (possibility of different minimal and maximal price among Member States (MS), according to VoLL) could in its effect limit cross border trade - MS with higher VoLL will in scarcity situations always import all missing electricity from the MS with lower VoLL. We suggest removal of whole para 1 of this article as it can cause problems with implementation of single electricity market as required by Commission's Regulation (EU) 2015/1222 (CACM) art. 41 and 54. To avoid problems with non-harmonized price caps (in each MS different VoLL = different price cap) we propose to introduce exception allowing to set harmonized price cap, however sufficiently high (close to some average VoLL), to avoid possible reduction of trade while avoiding cause of unequal conditions on the electricity markets of Member states.

Amendment 470

Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Miroslav Poche

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

Amendment

2. By way of derogation from paragraph 1, market operators may apply ***technical*** limits on maximum ***and minimum bidding limits*** for day-ahead and intraday timeframes in accordance with

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.

Articles 41 and 54 of Regulation (EU)2015/1222. In the event that **these** limits are, or are anticipated to be, reached, they shall be **adjusted** for the following day. **Technical price limits shall be harmonised for the common market area.**

Or. en

Amendment 471
Françoise Grossetête

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 472
Claude Turmes
on behalf of the Verts/ALE Group

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

Amendment

2. Market operators may apply **technical** limits on maximum **and minimum** 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

Regulation (EU) 2015/1222. In the event that limits are, or are anticipated to be, reached, they shall be raised for the following day.

are anticipated to be, reached, they shall be raised for the following day ***in accordance with Articles 41 and 54 of Regulation (EU) 2015/1222.***

Or. en

Justification

Technical price limits shall be designed in a way not to distort the market.

Amendment 473

Martina Werner, Carlos Zorrinho, Miapetra Kumpula-Natri, Miroslav Poche

Proposal for a regulation

Article 9 – paragraph 4

Text proposed by the Commission

4. Member States shall identify policies and measures applied within their territory that could contribute to indirectly restrict price formation, including limiting bids relating to the activation of balancing energy, capacity mechanisms, measures by the transmission system operators, measures intended to challenge market results or to prevent abuse of dominant positions ***or inefficiently defined bidding zones.***

Amendment

4. Member States shall identify policies and measures applied within their territory that could contribute to indirectly restrict price formation, including limiting bids relating to the activation of balancing energy, capacity mechanisms, measures by the transmission system operators, measures intended to challenge market results or to prevent abuse of dominant positions.

Or. en