



2016/0380(COD)

26.9.2017

AMENDMENTS

938 - 1283

Draft report

Krišjānis Kariņš

(PE597.758v01-00)

on the proposal for a directive of the European Parliament and of the Council
on common rules for the internal market in electricity (recast)

Proposal for a directive

(COM(2016)0864 – C8-0495/2016 – 2016/0380(COD))

Amendment 938

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 33 – paragraph 1

Text proposed by the Commission

1. Member States shall provide the necessary regulatory framework to facilitate the connection of publicly accessible and private recharging points to the distribution networks. Member States shall ensure that distribution system operators cooperate on a non-discriminatory basis with any undertaking that owns, develops, operates or manages recharging points for electric vehicles, including with regard to connection to the grid.

Amendment

1. Member States shall provide the necessary regulatory framework to facilitate **and promote** the connection of publicly accessible and private recharging points to the distribution networks. Member States shall ensure that distribution system operators cooperate on a non-discriminatory basis with any undertaking that owns, develops, operates or manages recharging points for electric vehicles, including with regard to connection to the grid. ***With the objective to reach a critical mass of recharging points in the public domain, ensure territorial cohesion and allow to quick-start a sufficient availability of recharging points, Member States may mandate DSOs to own, develop, manage and operate recharging points. The electricity sold in these recharging points shall be procured in an open, transparent and competitive manner and shall be from new additional renewables generation capacity. All costs incurred by DSOs in performing this task should be recovered through network tariffs under supervision of the National Regulatory Authority***

Or. en

Justification

E-mobility recharging points, including for E-bikes, E-Scooters, E-cars, trams, trolley busses or for land-born ship services at harbours can support complementing the provisions of the Alternative Fuels Directive to enable a more sustainable transport sector, in parallel to other measures such as on active mobility, car-sharing, low emission or hybrid vehicles.

Amendment 939
Esther de Lange

Proposal for a directive
Article 33 – paragraph 1

Text proposed by the Commission

1. Member States shall provide the necessary regulatory framework to facilitate the connection of publicly accessible and private recharging points to the distribution networks. Member States shall ensure that distribution system operators cooperate on a non-discriminatory basis with any undertaking that owns, develops, operates or manages recharging points for electric vehicles, including with regard to connection to the grid.

Amendment

1. Member States shall provide the necessary regulatory framework to facilitate the connection of publicly accessible and private recharging points ***with or without energy storage*** to the distribution networks. Member States shall ensure that distribution system operators cooperate on a non-discriminatory basis with any undertaking that owns, develops, operates or manages recharging points for electric vehicles, including with regard to connection to the grid ***with or without energy storage, at a reasonable cost.***

Or. en

Amendment 940
Patrizia Toia

Proposal for a directive
Article 33 – paragraph 1

Text proposed by the Commission

1. Member States shall provide the necessary regulatory framework to facilitate the connection of publicly accessible and private recharging points to the distribution networks. Member States shall ensure that distribution system operators cooperate on a non-discriminatory basis with any undertaking that owns, develops, operates or manages recharging points for electric vehicles, including with regard to connection to the grid.

Amendment

1. Member States, ***also taking into account investments already made,*** shall provide the necessary regulatory framework to facilitate the connection of publicly accessible and private recharging points to the distribution networks. Member States shall ensure that distribution system operators cooperate on a non-discriminatory basis with any undertaking that owns, develops, operates or manages recharging points for electric vehicles, including with regard to connection to the grid.

Or. it

Justification

The rules place excessive limits on the role of DSOs; it is vital to protect investments already made, also in the event of market failure.

Amendment 941

Carolina Punset, Gerben-Jan Gerbrandy

Proposal for a directive

Article 33 – paragraph 1

Text proposed by the Commission

1. Member States shall provide the necessary regulatory framework to facilitate the connection of publicly accessible and private recharging points to the distribution networks. Member States shall ensure that distribution system operators cooperate on a non-discriminatory basis with any undertaking that owns, develops, operates or manages recharging points for electric vehicles, including with regard to connection to the grid.

Amendment

1. Member States shall provide the necessary regulatory framework to facilitate the connection of publicly accessible and private recharging points to the ***transmission or*** distribution networks. Member States shall ensure that ***transmission system operators and*** distribution system operators cooperate on a non-discriminatory basis with any undertaking that owns, develops, operates or manages recharging points for electric vehicles, including with regard to connection to the grid.

Or. en

Justification

The voltage level acting as the border between transmission and distribution networks widely varies across Europe. Thus, the need for connection of recharging points to the distribution voltage level in some Member States may be equivalent to a connection to the transmission voltage level in other Member States. Moreover, with the expected growth in recharging points, the corresponding connections will be needed at increasingly higher voltage levels eventually including transmission networks.

Amendment 942

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 33 – paragraph 1 a (new)

1a. Member States may mandate DSOs to own, develop, manage and operate a minimal critical mass of charging stations in the public domain, which allows to quick-start sufficient availability of charging points. The electricity sold in these charging stations shall be tendered in an open, transparent and competitive manner and shall be from additional renewables electricity generation.

Or. en

Amendment 943

Barbara Kappel

Proposal for a directive

Article 33 – paragraph 2

2. Member States may allow distribution system operators to own, develop, manage or operate recharging points for electric vehicles only if the following conditions are fulfilled:

deleted

(a) other parties, following an open and transparent tendering procedure, have not expressed their interest to own, develop, manage or operate recharging points for electric vehicles;

(b) the regulatory authority has granted its approval.

Or. en

Amendment 944

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

Proposal for a directive
Article 33 – paragraph 2 – introductory part

Text proposed by the Commission

2. Member States may allow distribution system operators to own, develop, manage or operate recharging points for electric vehicles ***only if the following conditions are fulfilled:***

Amendment

2. Member States may allow distribution system operators to own, develop, manage or operate recharging points for electric vehicles.

Or. en

Amendment 945
Jaromír Kohlíček

Proposal for a directive
Article 33 – paragraph 2 – introductory part

Text proposed by the Commission

2. Member States may allow distribution system operators to own, develop, manage or operate recharging points for electric vehicles only if the following conditions are fulfilled:

Amendment

2. Member States may allow distribution system operators to own, develop, manage or operate ***public*** recharging points for electric vehicles only if the following conditions are fulfilled:

Or. en

Justification

DSOs shall have right to own develop manage or operate recharging points for the purposes of their own fleet, which is fully in line with conditions set in Alternative Fuels Infrastructure directive.

Amendment 946
Luděk Niedermayer

Proposal for a directive
Article 33 – paragraph 2 – introductory part

Text proposed by the Commission

2. Member States may allow distribution system operators to own,

Amendment

2. Member States may allow distribution system operators to own,

develop, manage or operate recharging points for electric vehicles only if the following conditions are fulfilled:

develop, manage or operate **public** recharging points for electric vehicles only if the following conditions are fulfilled:

Or. en

Justification

DSOs shall have right to own develop manage or operate recharging points for the purposes of their own fleet, which is fully in line with conditions set in Alternative Fuels Infrastructure directive.

Amendment 947

Miroslav Poche, Pavel Poc

Proposal for a directive

Article 33 – paragraph 2 – introductory part

Text proposed by the Commission

2. Member States may allow distribution system operators to own, develop, manage or operate recharging points for electric vehicles only if the following conditions are fulfilled:

Amendment

2. Member States may allow distribution system operators to own, develop, manage or operate **public** recharging points for electric vehicles only if the following conditions are fulfilled:

Or. en

Justification

DSOs shall have right to own develop manage or operate recharging points for the purposes of their own fleet, which is fully in line with conditions set in Alternative Fuels Infrastructure directive.

Amendment 948

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 33 – paragraph 2 – introductory part

Text proposed by the Commission

2. Member States may allow

Amendment

2. Member States may allow

distribution system operators to own, develop, manage or operate recharging points for electric vehicles **only** if the following conditions are fulfilled:

distribution system operators to own, develop, manage or operate recharging points for electric vehicles if the following conditions are fulfilled:

Or. en

Amendment 949

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

Proposal for a directive

Article 33 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) other parties, following an open and transparent tendering procedure, have not expressed their interest to own, develop, manage or operate recharging points for electric vehicles;

deleted

Or. en

Amendment 950

Ashley Fox

Proposal for a directive

Article 33 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) other parties, following an open and transparent tendering procedure, have not expressed their interest to own, develop, manage or operate recharging points for electric vehicles;

(a) other parties, following an open and transparent tendering procedure **or consultation process**, have not expressed their interest to own, develop, manage or operate recharging points for electric vehicles **or where the regulatory authority assesses that the level of interest is insufficient or unviable to meet recharging needs**;

Or. en

Amendment 951

Kaja Kallas, Fredrick Federley, Morten Helveg Petersen, Carolina Punset, Pavel Telička

Proposal for a directive

Article 33 – paragraph 2 – point a

Text proposed by the Commission

(a) other parties, following an open and transparent tendering procedure, have not expressed their interest to own, develop, manage or operate recharging points for electric vehicles;

Amendment

(a) other parties, following an open and transparent tendering procedure ***supervised by the national regulatory***, have not expressed their interest to own, develop, manage or operate recharging points for electric vehicles;

Or. en

Amendment 952

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 33 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) technical incompatibility between various private market actors hinders the uptake of e-mobility;

Or. en

Amendment 953

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

Proposal for a directive

Article 33 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) the regulatory authority has granted its approval. *deleted*

Or. en

Amendment 954

Zdzisław Krasnodębski, Edward Czesak

Proposal for a directive

Article 33 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) Distribution system operators may own, develop, manage and operate recharging points for electric vehicles for the purposes of their own fleet.

Or. en

Amendment 955

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

Proposal for a directive

Article 33 – paragraph 3

Text proposed by the Commission

Amendment

3. Articles 35 and 56 shall apply to distribution system operators engaged in ownership, development, operation or management of recharging points. *deleted*

Or. en

Amendment 956

Zdzisław Krasnodębski, Edward Czesak

Proposal for a directive
Article 33 – paragraph 3

Text proposed by the Commission

3. Articles **35 and** 56 shall apply to distribution system operators engaged in ownership, development, operation or management of recharging points.

Amendment

3. Articles 56 shall apply to distribution system operators engaged in ownership, development, operation or management of recharging points.

Or. en

Amendment 957

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

Proposal for a directive
Article 33 – paragraph 4

Text proposed by the Commission

4. Member States shall perform at regular intervals or at least every five years a public consultation in order to reassess the potential interest of market parties to own, develop, operate or manage recharging points for electric vehicles. In case the public consultation indicates that third parties are able to own, develop, operate or manage such points, Member States shall ensure that distribution system operators' activities in this regard are phased-out.

Amendment

deleted

Or. en

Amendment 958

Zdzisław Krasnodebski, Edward Czesak

Proposal for a directive
Article 33 – paragraph 4

Text proposed by the Commission

4. Member States shall perform at

Amendment

4. Member States shall perform at

regular intervals or at least every five years a public consultation in order to re-assess the potential interest of market parties to own, develop, operate or manage recharging points for electric vehicles. In case the public consultation indicates that third parties are able to own, develop, operate or manage such points, Member States shall ensure that distribution system operators' activities in this regard are phased-out.

regular intervals or at least every five years a public consultation in order to re-assess the potential interest of market parties to own, develop, operate or manage recharging points for electric vehicles. In case the public consultation indicates that third parties are able to own, develop, operate or manage such points, Member States shall ensure that distribution system operators' activities in this regard are phased-out. ***Distribution system operators shall have the right to recover their investment outlays made into recharging infrastructure at fair and reasonable terms and price.***

Or. en

Amendment 959
Ashley Fox

Proposal for a directive
Article 33 – paragraph 4

Text proposed by the Commission

4. Member States shall perform at regular intervals or at least every five years a public consultation in order to re-assess the potential interest of market parties to own, develop, operate or manage recharging points for electric vehicles. In case the public consultation indicates that third parties are able to own, develop, operate or manage such points, Member States shall ensure that distribution system operators' activities in this regard are phased-out.

Amendment

4. ***Where*** Member States ***have allowed distribution system operators to own, develop, manage or operate recharging points, or propose to allow them to, the Member State*** shall perform at regular intervals or at least every five years a public consultation in order to re-assess the potential interest of market parties to own, develop, operate or manage recharging points for electric vehicles. In case the public consultation indicates that third parties are able to own, develop, operate or manage such points, Member States shall ensure that distribution system operators' activities in this regard are phased-out.

Or. en

Amendment 960
Miroslav Poche, Pavel Poc

Proposal for a directive
Article 33 – paragraph 4

Text proposed by the Commission

4. Member States shall perform at regular intervals or at least every five years a public consultation in order to re-assess the potential interest of market parties to own, develop, operate or manage recharging points for electric vehicles. In case the public consultation indicates that third parties are able to own, develop, operate or manage such points, Member States shall ensure that distribution system operators' activities in this regard are phased-out.

Amendment

4. Member States shall perform at regular intervals or at least every five years a public consultation in order to re-assess the potential interest of market parties to own, develop, operate or manage **public** recharging points for electric vehicles. In case the public consultation indicates that third parties are able to own, develop, operate or manage such points, Member States shall ensure that distribution system operators' activities in this regard are phased-out. ***Distribution system operators shall have right to recover their investment made into recharging infrastructure on fair and reasonable terms.***

Or. en

Justification

DSOs shall have right to own develop manage or operate recharging points for the purposes of their own fleet, which is fully in line with conditions set in Alternative Fuels Infrastructure directive. For the sake of stability of investment environment, DSOs shall have right to recover costs associated with the infrastructure for electro mobility.

Amendment 961
Françoise Grossetête

Proposal for a directive
Article 33 – paragraph 4

Text proposed by the Commission

4. Member States shall perform at regular intervals or at least every five years a public consultation in order to re-assess the potential interest of market parties to

Amendment

4. Member States shall perform at regular intervals or at least every five years a public consultation in order to re-assess the potential interest of market parties to

own, develop, operate or manage recharging points for electric vehicles. In case the public consultation indicates that third parties are able to own, develop, operate or manage such points, Member States shall ensure that distribution system operators' activities in this regard are phased-out.

own, develop, operate or manage recharging points for electric vehicles. In case the public consultation indicates that third parties are able to own, develop, operate or manage such points, Member States shall ensure that distribution system operators' activities in this regard are phased-out ***but a financial compensation on fair and reasonable terms should be provided.***

Or. en

Amendment 962
Werner Langen

Proposal for a directive
Article 33 – paragraph 4

Text proposed by the Commission

(4) Member States shall perform at regular intervals or at least every five years a public consultation in order to re-assess the potential interest of market parties to own, develop, operate or manage recharging points for electric vehicles. In case the public consultation indicates that third parties are able to own, develop, operate or manage such points, Member States shall ensure that distribution system operators' activities in this regard are phased-out.

Amendment

(4) Member States shall perform at regular intervals or at least every five years a public consultation in order to re-assess the potential interest of market parties to own, develop, operate or manage recharging points for electric vehicles. In case the public consultation indicates that third parties are able to own, develop, operate or manage such points, Member States shall ensure that distribution system operators' activities in this regard are phased-out ***and that the associated costs can be recovered.***

Or. de

Justification

Distribution system operators must be able to get back the costs they have incurred.

Amendment 963
Luděk Niedermayer

Proposal for a directive
Article 33 – paragraph 4

Text proposed by the Commission

4. Member States shall perform at regular intervals or at least every five years a public consultation in order to re-assess the potential interest of market parties to own, develop, operate or manage recharging points for electric vehicles. In case the public consultation indicates that third parties are able to own, develop, operate or manage such points, Member States shall ensure that distribution system operators' activities in this regard are phased-out.

Amendment

4. Member States shall perform at regular intervals or at least every five years a public consultation in order to re-assess the potential interest of market parties to own, develop, operate or manage **public** recharging points for electric vehicles. In case the public consultation indicates that third parties are able to own, develop, operate or manage such points, Member States shall ensure that distribution system operators' activities in this regard are phased-out.

Or. en

Justification

DSOs shall have right to own develop manage or operate recharging points for the purposes of their own fleet, which is fully in line with conditions set in Alternative Fuels Infrastructure directive.

Amendment 964
Jaromír Kohlíček

Proposal for a directive
Article 33 – paragraph 4

Text proposed by the Commission

4. Member States shall perform at regular intervals or at least every five years a public consultation in order to re-assess the potential interest of market parties to own, develop, operate or manage recharging points for electric vehicles. In case the public consultation indicates that third parties are able to own, develop, operate or manage such points, Member States shall ensure that distribution system operators' activities in this regard are phased-out.

Amendment

4. Member States shall perform at regular intervals or at least every five years a public consultation in order to re-assess the potential interest of market parties to own, develop, operate or manage **public** recharging points for electric vehicles. In case the public consultation indicates that third parties are able to own, develop, operate or manage such points, Member States shall ensure that distribution system operators' activities in this regard are phased-out.

Justification

DSOs shall have right to own develop manage or operate recharging points for the purposes of their own fleet, which is fully in line with conditions set in Alternative Fuels Infrastructure directive.

Amendment 965**Claude Turmes**

on behalf of the Verts/ALE Group

Proposal for a directive**Article 33 – paragraph 4***Text proposed by the Commission*

4. Member States shall perform at regular intervals or at least every **five** years a public consultation in order to re-assess the potential interest of market parties to own, develop, operate or manage recharging points for electric vehicles. In case the public consultation indicates that third parties are able to own, develop, operate or manage such points, Member States shall ensure that distribution system operators' activities in this regard are phased-out.

Amendment

4. Member States shall perform at regular intervals or at least every **four** years a public consultation in order to re-assess the potential interest of market parties to own, develop, operate or manage recharging points for electric vehicles. In case the public consultation indicates that third parties are able to own, develop, operate or manage such points, Member States shall ensure that distribution system operators' activities in this regard are phased-out.

Or. en

Amendment 966**Kaja Kallas, Fredrick Federley, Morten Helveg Petersen, Carolina Punset, Pavel Telička****Proposal for a directive****Article 34 – paragraph 1***Text proposed by the Commission*

Member States shall ensure that all eligible parties have non-discriminatory access to data under clear and equal terms. In Member States where smart metering

Amendment

Member States shall ensure that all eligible parties have non-discriminatory access to data under clear and equal terms. In Member States where smart metering

systems have been implemented according to Article 19 and distribution system operators are involved in data management, compliance programmes as set in Article 35(2)(d) shall include specific measures in order to exclude discriminatory access to data from eligible parties as provided for in Article 23. Where distribution system operators are not subject to Article 35(1), (2) and (3), Member States shall take all necessary measures to ensure that the vertically integrated undertaking do not have privileged access to data for the conduct of its supply activity.

systems have been implemented according to Article 19 and distribution system operators are involved in data management, compliance programmes as set in Article 35(2)(d) shall include specific measures in order to exclude discriminatory access to data from eligible parties as provided for in Article 23. Where distribution system operators are not subject to Article 35(1), (2) and (3), Member States shall take all necessary measures to ensure that the vertically integrated undertaking do not have privileged access to data for the conduct of its supply activity, ***if necessary by requiring the creation of a central data management platform to be managed by the transmission system operator or another neutral entity.***

Or. en

Amendment 967

Pilar del Castillo Vera, Pilar Ayuso, Francesc Gambús

Proposal for a directive

Article 34 – paragraph 1

Text proposed by the Commission

Member States shall ensure that all eligible parties have non-discriminatory access to data under clear and equal terms. In Member States where smart metering systems have been implemented according to Article 19 and distribution system operators are involved in data management, compliance programmes as set in Article 35(2)(d) shall include specific measures in order to exclude discriminatory access to data from eligible parties as provided for in Article 23. Where distribution system operators are not subject to Article 35(1), (2) and (3), Member States shall take all necessary measures to ensure that the vertically integrated undertaking do not have

Amendment

Member States shall ensure that all eligible parties have non-discriminatory access to data under clear and equal terms, ***and are in compliance with data and information protection legislation.*** In Member States where smart metering systems have been implemented according to Article 19 and distribution system operators are involved in data management, compliance programmes as set in Article 35(2)(d) shall include specific measures in order to exclude discriminatory access to data from eligible parties as provided for in Article 23. Where distribution system operators are not subject to Article 35(1), (2) and (3), Member States shall take all necessary measures to ensure that the vertically

privileged access to data for the conduct of its supply activity.

integrated undertaking do not have privileged access to data for the conduct of its supply activity.

Or. en

Amendment 968

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 34 – paragraph 1

Text proposed by the Commission

Member States shall ensure that all eligible parties have non-discriminatory access to data under clear and equal terms. In Member States where smart metering systems have been implemented according to Article 19 and distribution system operators are involved in data management, compliance programmes as set in Article 35(2)(d) shall include specific measures in order to exclude discriminatory access to data from eligible parties as provided for in Article 23. Where distribution system operators are not subject to Article 35(1), (2) and (3), Member States shall ***take all necessary measures to ensure that the vertically integrated undertaking do not have privileged access to data for the conduct of its supply activity.***

Amendment

Member States shall ensure that all eligible parties have non-discriminatory access to data under clear and equal terms. In Member States where smart metering systems have been implemented according to Article 19 and distribution system operators are involved in data management, compliance programmes as set in Article 35(2)(d) shall include specific measures in order to exclude discriminatory access to data from eligible parties as provided for in Article 23. Where distribution system operators are not subject to Article 35(1), (2) and (3), Member States shall ensure that ***alternative data management models are implemented, where management of data is done by different parties and actors.***

Or. en

Justification

In cases of insufficient unbundling, DSOs should not be data managers. Demand Response data, for example, are typically highly commercially sensitive and there must not be a risk of this and other data to be accessible – even if indirectly – to a competing integrated market party integrated with the DSO.

Amendment 969

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 35 – paragraph 1

Text proposed by the Commission

1. Where the distribution system operator is part of a vertically integrated undertaking, it shall be independent at least in terms of its legal form, organisation and decision making from other activities not relating to distribution. Those rules ***shall not*** create an obligation to separate the ownership of assets of the distribution system operator from the vertically integrated undertaking.

Amendment

1. Where the distribution system operator is part of a vertically integrated undertaking, it shall be independent at least ***financially***, in terms of its legal form, organisation and decision making from other activities not relating to distribution. Those rules ***may*** create an obligation to separate the ownership of assets of the distribution system operator from the vertically integrated undertaking.

Or. en

Justification

This amendment aims to reinforce the unbundling of DSOs in financial terms and prevent cross- subsidizing from utilities, to avoid market distortions and market abuses.

Amendment 970

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 35 – paragraph 2 – introductory part

Text proposed by the Commission

2. In addition to the requirements under paragraph 1, where the distribution system operator is part of a vertically integrated undertaking, it shall be independent in terms of its organisation and decision-making from the other activities not related to distribution. In order to achieve this, the following minimum criteria shall apply:

Amendment

2. In addition to the requirements under paragraph 1, where the distribution system operator is part of a vertically integrated undertaking, it shall be independent ***financially***, in terms of its organisation and decision-making from the other activities not related to distribution. In order to achieve this, the following minimum criteria shall apply:

Justification

This amendment aims to reinforce the unbundling of DSOs in financial terms and prevent cross- subsidizing from utilities, to avoid market distortions and market abuses.

Amendment 971

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 35 – paragraph 2 – point c

Text proposed by the Commission

(c) the distribution system operator must have effective decision-making rights, independent from the integrated electricity undertaking, with respect to assets necessary to operate, maintain or develop the network. In order to fulfil those tasks, the distribution system operator shall have at its disposal the necessary resources including human, technical, physical and financial resources. This should not prevent the existence of appropriate coordination mechanisms to ensure that the economic and management supervision rights of the parent company in respect of return on assets, regulated indirectly in accordance with Article 59(6), in a subsidiary are protected. In particular, this shall enable the parent company to approve the annual financial plan, or any equivalent instrument, of the distribution system operator and to set global limits on the levels of indebtedness of its subsidiary. It shall not permit the parent company to give instructions regarding day-to-day operations, nor with respect to individual decisions concerning the **construction or upgrading of distribution lines, that do not exceed the terms** of the approved financial plan, or any equivalent instrument; and

Amendment

(c) the distribution system operator must have effective decision-making rights, independent from the integrated electricity undertaking, with respect to assets necessary to operate, maintain or develop the network. In order to fulfil those tasks, the distribution system operator shall have at its disposal the necessary resources including human, technical, physical and financial resources. This should not prevent the existence of appropriate coordination mechanisms to ensure that the economic and management supervision rights of the parent company in respect of **reasonable** return on assets, regulated indirectly in accordance with Article 59(6), in a subsidiary are protected. ***In order to protect consumers, a reasonable dividend distribution cannot exceed 33% of the net result of the distribution system operator.*** In particular, this shall enable the parent company to approve the annual financial plan, or any equivalent instrument, of the distribution system operator and to set global limits on the levels of indebtedness of its subsidiary, ***given that DSO obligations and responsibilities can be achieved.*** It shall not permit the parent company to give instructions regarding day-to-day operations, ***including treasury***

management, nor with respect to individual decisions concerning the **implementation** of the approved financial plan, or any equivalent instrument; and

Or. en

Justification

Experience has shown that time to time the pressure of the parent company can negatively interfere with the DSO ability to fulfil its tasks, including public services obligations. The purpose of this amendment is to clarify that the rights of the parent companies cannot jeopardise DSOs efficiency. Treasury management exceeds the basic rights of the parent company and do interact with the day-to-day management of the activity.

Amendment 972

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 35 – paragraph 3

Text proposed by the Commission

3. Where the distribution system operator is part of a vertically integrated undertaking, the Member States shall ensure that the activities of the distribution system operator are monitored by regulatory authorities or other competent bodies so that it cannot take advantage of its vertical integration to distort competition. In particular, vertically integrated distribution system operators shall not, in their communication and branding, create confusion in respect of the separate identity of the supply branch of the vertically integrated undertaking.

Amendment

3. Where the distribution system operator is part of a vertically integrated undertaking, the Member States shall ensure that the activities of the distribution system operator are monitored by regulatory authorities or other competent bodies so that it cannot take advantage of its vertical integration to distort competition, ***including by way of unreasonable return on assets over the subsidiary***. In particular, vertically integrated distribution system operators shall not, in their communication and branding, create confusion in respect of the separate identity of the supply branch of the vertically integrated undertaking.

Or. en

Justification

This amendment clarifies that Member States should ensure that the scope of regulatory oversight should also cover the financial aspect of competition, in particular cross subsidies between regulated and non-regulated activities, and not only branding issues.

Amendment 973

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 35 – paragraph 4

Text proposed by the Commission

4. Member States may decide not to apply paragraphs 1, 2 and 3 to integrated electricity undertakings serving less than 100000 connected customers, or serving small isolated systems.

Amendment

4. Member States may decide not to apply ***specific provisions or all of*** paragraphs 1 ***and*** 2 and 3 to integrated electricity undertakings serving less than 100000 connected customers, or serving small isolated systems.

Or. en

Justification

This amendment clarifies that Member States have the flexibility to adjust the unbundling provisions and apply certain provisions rather to small entities rather than having to choose between full derogation or full application of paragraphs 1, 2 and 3. This could also be combined in some way with the provisions of art 33 and 34. For example, a compliance programme and sufficient unbundling of IT systems may be sufficient to allow DSOs to be involved in data management. In the light of increased responsibilities of DSOs as a neutral market facilitator, it is important that all market parties can rely on an impartial treatment

Amendment 974

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a directive

Article 36 – paragraph 1

Text proposed by the Commission

1. Distribution system operators shall not be allowed to own, develop, manage or

Amendment

1. Distribution system operators shall not be allowed to own, develop, manage or operate energy storage facilities ***connected***

operate energy storage facilities.

to the distribution grid in order to fulfil its obligations under this regulation for the efficient, reliable and secure operation of the distribution system, if the distribution system lacks the necessary and functional storage capacity for grid operation. In this case the Distribution System Operator is not allowed to participate with this storage in any market.

Or. en

Amendment 975

Angelika Mlinar

Proposal for a directive

Article 36 – paragraph 1

Text proposed by the Commission

1. Distribution system operators shall not be allowed to own, develop, manage or operate energy storage facilities.

Amendment

1. Distribution system operators shall not be allowed to own, develop, manage or operate energy storage facilities, *except equipment connected to the distribution grid and used for short-term control of the distribution system, if the system lacks the necessary and functional storage capacity for operation and where national regulatory authority has granted approval. Distribution system operators are not allowed to participate with this storage in any regular market.*

Or. en

Amendment 976

Martina Werner, Jeppe Kofod, Carlos Zorrinho, Theresa Griffin, Miroslav Poche, Edouard Martin, Dan Nica, Soledad Cabezón Ruiz, José Blanco López

Proposal for a directive

Article 36 – paragraph 1

Text proposed by the Commission

1. Distribution system operators shall

Amendment

1. Distribution system operators shall

not be allowed to own, develop, manage or operate energy storage facilities.

not be allowed to own, develop, manage or operate energy storage facilities ***other than storage needed by the distribution system operators for the local short-term control of the distribution grid stability and storage needed for the efficient, reliable and secure operation of the distribution system and where the national regulatory authority has granted its approval.***

Or. en

Amendment 977

Miapetra Kumpula-Natri

Proposal for a directive

Article 36 – paragraph 1

Text proposed by the Commission

1. Distribution system operators shall not be allowed to own, develop, manage or operate energy storage facilities.

Amendment

1. Distribution system operators shall not be allowed to own, develop, manage or operate energy storage facilities, ***except equipment used by the distribution system operators for local short-term control of the distribution system where there is no influence on energy and non-frequency ancillary services markets, and where the national regulatory authority has granted its approval.***

Or. en

Justification

In some cases (for example, replacing or delaying expensive cable investment and improving power quality) the ability for a DSO to own storages should be retained. This proposal would encourage DSO's to invest in storages whenever it is technically and economically the best solution to fulfil DSO's obligations under the regulation for the efficient, reliable and secure operation of the distribution system. DSO-owned storages would not distract market actors because the use case would be strictly limited.

Amendment 978

Jaromír Kohlíček

Proposal for a directive
Article 36 – paragraph 1

Text proposed by the Commission

1. Distribution system operators shall not be allowed to own, develop, manage or operate energy storage facilities.

Amendment

1. Distribution system operators shall not be allowed to own, develop, manage or operate energy storage facilities ***to provide balancing services or which are used to sell electricity to the market.***

Or. en

Justification

Energy storage facilities can be used for number of purposes including e.g. backup energy supply for control systems. Therefore, the ban should be specific and comprise only use of storage facilities for providing balancing services or selling electricity to the market.

Amendment 979
Zdzisław Krasnodębski, Edward Czesak

Proposal for a directive
Article 36 – paragraph 1

Text proposed by the Commission

1. Distribution system operators shall not be allowed to own, develop, manage or operate energy storage facilities.

Amendment

1. Distribution system operators shall not be allowed to own, develop, manage or operate energy storage facilities, ***unless these facilities are an integral part of the distribution grid.***

Or. en

Amendment 980
Ashley Fox

Proposal for a directive
Article 36 – paragraph 1

Text proposed by the Commission

1. Distribution system operators shall

Amendment

1. Distribution system operators shall

not be allowed to own, develop, manage or operate energy storage facilities.

not be allowed to own, develop, manage or operate energy storage facilities, *except where ownership is established by [date come into force]*.

Or. en

Amendment 981
Barbara Kappel

Proposal for a directive
Article 36 – paragraph 2

Text proposed by the Commission

Amendment

2. By way of derogation from paragraph 1, Member States may allow distribution system operators to own, develop, manage or operate storage facilities only if the following conditions are fulfilled:

deleted

(a) other parties, following an open and transparent tendering procedure, have not expressed their interest to own, develop, manage or operate storage facilities;

(b) such facilities are necessary for the distribution system operators to fulfil their obligations under this Directive for the efficient, reliable and secure operation of the distribution system; and

(c) the regulatory authority has assessed the necessity of such derogation taking into account the conditions under points (a) and (b) and has granted its approval.

Or. en

Amendment 982
Patrizia Toia

Proposal for a directive
Article 36 – paragraph 2 – introductory part

Text proposed by the Commission

2. By way of derogation from paragraph 1, Member States may allow distribution system operators to own, develop, manage or operate storage facilities only if the following conditions are fulfilled:

Amendment

2. By way of derogation from paragraph 1, Member States, ***taking into account investments already made***, may allow distribution system operators to own, develop, manage or operate storage facilities only if the following conditions are fulfilled:

Or. it

Justification

The rule places limits on the role of DSOs; it is therefore deemed necessary that, in the event of market failure, investments already made are nevertheless protected.

Amendment 983
Jaromír Kohlíček

Proposal for a directive
Article 36 – paragraph 2 – introductory part

Text proposed by the Commission

2. By way of derogation from paragraph 1, Member States may allow distribution system operators to own, develop, manage or operate storage facilities only if the following conditions are fulfilled:

Amendment

2. By way of derogation from paragraph 1, Member States may allow distribution system operators to own, develop, manage or operate storage facilities only if ***two of*** the following conditions are fulfilled:

Or. en

Justification

We do not support the general prohibition for the distributors to own and operate energy storage facilities. The text has to be formulated in a way enabling the distributor to operate storage in specific situations (to manage and operate the grid – e.g. batteries in the substations) under the approval of the national regulatory authority. Storage in the distribution grid can be a cost-effective variant to the grid expansion. DSOs realize also many pilot project in the storage and this has to be allowed.

Amendment 984
Pavel Telička

Proposal for a directive
Article 36 – paragraph 2 – introductory part

Text proposed by the Commission

2. By way of derogation from paragraph 1, Member States may allow distribution system operators to own, develop, manage or operate storage facilities only if **the** following conditions are fulfilled:

Amendment

2. By way of derogation from paragraph 1, Member States may allow distribution system operators to own, develop, manage or operate storage facilities only if **two of** following conditions are fulfilled:

Or. en

Amendment 985
Pavel Telička

Proposal for a directive
Article 36 – paragraph 2 – point a

Text proposed by the Commission

(a) other parties, following an open and transparent tendering procedure, have not expressed their interest to own, develop, manage or operate storage facilities;

Amendment

(a) other parties, following an open and transparent tendering procedure, have not expressed their interest to own, develop, manage or operate **cost-efficient** storage facilities **and the national regulatory authorities has granted it approval**;

Or. en

Amendment 986
Jaromír Kohlíček

Proposal for a directive
Article 36 – paragraph 2 – point a

Text proposed by the Commission

(a) other parties, following an open and transparent tendering procedure, have not expressed their interest to own, develop,

Amendment

(a) other parties, following an open and transparent tendering procedure, have not expressed their interest to own, develop,

manage or operate storage facilities;

manage or operate ***cost-efficient*** storage facilities ***and the national regulatory authorities has granted it approval;***

Or. en

Justification

The operation of the storage in the distribution grid shall not influence the electricity market and shall not create a barrier in the future development of the electricity market. DSOs shall not be allowed to sell the stored electricity.

Amendment 987

Kaja Kallas, Fredrick Federley, Morten Helveg Petersen, Carolina Punset, Pavel Telička

Proposal for a directive

Article 36 – paragraph 2 – point a

Text proposed by the Commission

(a) other parties, following an open and transparent tendering procedure, have not expressed their interest to own, develop, manage or operate storage facilities;

Amendment

(a) other parties, following an open and transparent tendering procedure, ***supervised by the national regulatory authority***, have not expressed their interest to own, develop, manage or operate storage facilities;

Or. en

Amendment 988

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

Proposal for a directive

Article 36 – paragraph 2 – point a

Text proposed by the Commission

(a) other parties, following an open and transparent tendering procedure, have not expressed their interest to own, develop, manage or operate storage facilities;

Amendment

(a) other parties, following an open and transparent tendering procedure, have not expressed their interest to own, develop, manage or operate storage facilities, ***at a reasonable cost;***

Amendment 989

Ashley Fox

Proposal for a directive

Article 36 – paragraph 2 – point a

Text proposed by the Commission

(a) other parties, following an open and transparent tendering procedure, ***have not expressed their interest*** to own, develop, manage or operate storage facilities;

Amendment

(a) other parties, following an open and transparent tendering procedure, ***are not able to provide a viable proposition*** to own, develop, manage or operate storage facilities;

Or. en

Amendment 990

Ashley Fox

Proposal for a directive

Article 36 – paragraph 2 – point b

Text proposed by the Commission

(b) such facilities are ***necessary for*** the distribution system operators to fulfil their obligations under this Directive for the efficient, reliable and secure operation of the distribution system; ***and***

Amendment

(b) such facilities are ***used primarily by*** the distribution system operators to fulfil their obligations under this Directive for the efficient, reliable and secure operation of the distribution system, ***or to foster innovation that will allow them to better fulfil these obligations in future; and;***

Or. en

Amendment 991

Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive

Article 36 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) such facilities are **necessary for** the distribution system **operators to fulfil their** obligations under this **Directive** for the efficient, reliable and secure operation of the distribution system; and

(b) such facilities are **used by** the distribution system **operator exclusively for the purpose of fulfilling its** obligations under this **regulation** for the efficient, reliable and secure operation of the distribution system; and

Or. en

Justification

If DSOs are going to be allowed to own or manage storage facilities, there is a need to ensure that they are used by the DSO solely for the purpose of managing or balancing the grid, and ensuring system security.

Amendment 992

Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive

Article 36 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) the regulatory authority has assessed the necessity of such derogation taking into account the conditions under points (a) and (b) and has granted its approval.

(c) the regulatory authority has assessed the necessity of such derogation taking into account the **fulfilment of the** conditions under points (a) and (b) **of this paragraph** and has granted its approval.

Or. en

Justification

In order to be allowed to permit DSOs to own or manage storage facilities, National Regulatory Authorities should be required to ensure that certain conditions have been fulfilled before giving a positive determination that the DSO is allowed to own or manage such facilities.

Amendment 993

Jaromír Kohlíček

Proposal for a directive
Article 36 – paragraph 2 – point c

Text proposed by the Commission

(c) the regulatory authority has assessed the necessity of such derogation ***taking into account the conditions under points (a) and (b) and*** has granted its approval.

Amendment

(c) the regulatory authority has assessed the necessity of such derogation has granted its approval.

Or. en

Justification

Two of the three conditions (a,b,c) must be fulfilled. DSO should have possibility to own and operate storage, in case this does not interfere in the market (approval of the NRA) or in case the tender would prove that the third party ownership of the storage is not cost-efficient. The NRA approval is important also in case of the batteries in the substations.

Amendment 994
Pavel Telička

Proposal for a directive
Article 36 – paragraph 2 – point c

Text proposed by the Commission

(c) the regulatory authority has assessed the necessity of such derogation ***taking into account the conditions under points (a) and (b) and*** has granted its approval.

Amendment

(c) the regulatory authority has assessed the necessity of such derogation and has granted its approval.

Or. en

Amendment 995
Kathleen Van Brempt

Proposal for a directive
Article 36 – paragraph 3

Text proposed by the Commission

Amendment

3. *Articles 35 and 56 shall apply to distribution system operators engaged in ownership, development, operation or management of energy storage facilities.*

deleted

Or. en

Amendment 996

Ashley Fox

Proposal for a directive

Article 36 – paragraph 3

Text proposed by the Commission

Amendment

3. Articles 35 and 56 shall apply to distribution system operators *engaged* in ownership, development, operation or management of energy storage facilities.

3. Articles 35 and 56 shall apply to distribution system operators *allowed to engage* in ownership, development, operation or management of energy storage facilities.

Or. en

Amendment 997

Zdzisław Krasnodębski, Edward Czesak

Proposal for a directive

Article 36 – paragraph 3

Text proposed by the Commission

Amendment

3. *Articles 35 and 56* shall apply to distribution system operators engaged in ownership, development, operation or management of energy storage facilities.

3. *Article 56* shall apply to distribution system operators engaged in ownership, development, operation or management of energy storage facilities.

Or. en

Amendment 998

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a directive
Article 36 – paragraph 4

Text proposed by the Commission

Amendment

4. Regulatory authorities shall perform at regular intervals or at least every five years a public consultation in order to re-assess the potential interest of market parties to invest, develop, operate or manage energy storage facilities. In case the public consultation indicates that third parties are able to own, develop, operate or manage such facilities, Member States shall ensure that distribution system operators' activities in this regard are phased-out.

deleted

Or. en

Amendment 999
Ashley Fox

Proposal for a directive
Article 36 – paragraph 4

Text proposed by the Commission

Amendment

4. Regulatory authorities shall perform at regular intervals or at least every five years a public consultation in order to **re-assess** the potential interest of market parties to invest, develop, operate or manage energy storage facilities. In case the public consultation indicates that third parties are able to own, develop, operate or manage **such** facilities, Member States shall ensure that distribution system operators' activities in this regard are phased-out.

4. Regulatory authorities shall perform at regular intervals or at least every five years a public consultation in order to **support a re-assessment of** the potential interest of market parties to invest, develop, operate or manage energy storage facilities **owned by distribution system operators**. In case the public consultation **and the national regulatory authority's assessment** indicates that third parties are able to **provide a viable proposition to** own, develop, operate or manage **specific storage** facilities, Member States shall ensure that distribution system operators' activities in this regard are phased-out.

Or. en

Amendment 1000

Zdzisław Krasnodebski, Edward Czesak

Proposal for a directive

Article 36 – paragraph 4

Text proposed by the Commission

4. Regulatory authorities shall perform at regular intervals or at least every five years a public consultation in order to re-assess the potential interest of market parties to invest, develop, operate or manage energy storage facilities. In case the public consultation indicates that third parties are able to own, develop, operate or manage such facilities, Member States shall ensure that distribution system operators' activities in this regard are phased-out.

Amendment

4. Regulatory authorities shall perform at regular intervals or at least every five years a public consultation in order to re-assess the potential interest of market parties to invest, develop, operate or manage energy storage facilities. In case the public consultation indicates that third parties are able to own, develop, operate or manage such facilities, Member States shall ensure that distribution system operators' activities in this regard are phased-out. ***Distribution system operators shall have the right to recover their investment outlays in storage facilities at fair and reasonable terms and price.***

Or. en

Amendment 1001

Miroslav Poche, Pavel Poc

Proposal for a directive

Article 36 – paragraph 4

Text proposed by the Commission

4. Regulatory authorities shall perform at regular intervals or at least every five years a public consultation in order to re-assess the potential interest of market parties to invest, develop, operate or manage energy storage facilities. In case the public consultation indicates that third parties are able to own, develop, operate or manage such facilities, Member States shall ensure that distribution system operators' activities in this regard are

Amendment

4. Regulatory authorities shall perform at regular intervals or at least every five years a public consultation in order to re-assess the potential interest of market parties to invest, develop, operate or manage energy storage facilities. In case the public consultation indicates that third parties are able to own, develop, operate or manage such facilities, Member States shall ensure that distribution system operators' activities in this regard are

phased-out.

phased-out. ***Distribution system operators shall have right to recover their investment made into storage facilities on fair and reasonable terms.***

Or. en

Justification

For the sake of investment certainty, DSOs shall have right to recover their investment on fair and reasonable terms.

Amendment 1002 Jaromír Kohlíček

Proposal for a directive Article 36 – paragraph 4

Text proposed by the Commission

4. Regulatory authorities shall perform at regular intervals or at least every five years a public consultation in order to re-assess the potential interest of market parties to invest, develop, operate or manage energy storage facilities. In case the public consultation indicates that third parties are able to own, develop, operate or manage such facilities, Member States shall ensure that distribution system operators' activities in this regard are phased-out.

Amendment

4. Regulatory authorities shall perform at regular intervals or at least every five years a public consultation in order to re-assess the potential interest of market parties to invest, develop, operate or manage energy storage facilities. In case the public consultation indicates that third parties are able to own, develop, operate or manage such facilities, Member States shall ensure that distribution system operators' activities in this regard are phased-out. ***Distribution system operators shall have right to recover their investment made into storage facilities on fair and reasonable terms.***

Or. en

Justification

In case DSO has to phase-out the storage facility, DSO should have right to recover the cost invested in the storage facility

Amendment 1003

Kaja Kallas, Morten Helveg Petersen, Carolina Punset, Pavel Telička

Proposal for a directive

Article 36 – paragraph 4

Text proposed by the Commission

4. Regulatory authorities shall perform at regular intervals or at least every five years a public consultation in order to re-assess the potential interest of market parties to invest, develop, operate or manage energy storage facilities. In case the public consultation indicates that third parties are able to own, develop, operate or manage such facilities, Member States shall ensure that distribution system operators' activities in this regard are phased-out.

Amendment

4. Regulatory authorities shall perform at regular intervals or at least every five years a ***review on the ability for existing storage facilities to be tendered and where appropriate a*** public consultation in order to re-assess the potential interest of market parties to invest, develop, operate or manage energy storage facilities. In case the ***review or the*** public consultation indicates that third parties are able to own, develop, operate or manage such facilities, Member States shall ensure that distribution system operators' activities in this regard are phased-out. .

Or. en

Amendment 1004

Werner Langen

Proposal for a directive

Article 36 – paragraph 4

Text proposed by the Commission

(4) ***Regulatory authorities*** shall perform at regular intervals or at least every five years a public consultation in order to re-assess the potential interest of market parties to invest, develop, operate or manage energy storage facilities. In case the public consultation indicates that third parties are able to own, develop, operate or manage such facilities, Member States shall ensure that distribution system operators' activities in this regard are phased-out.

Amendment

(4) ***Member States*** shall perform at regular intervals or at least every five years a public consultation in order to re-assess the potential interest of market parties to invest, develop, operate or manage energy storage facilities. In case the public consultation indicates that third parties are able to own, develop, operate or manage such facilities, Member States shall ensure that distribution system operators' activities in this regard are phased-out ***and that the associated costs can be recovered.***

Justification

Distribution system operators must be able to get back the costs they have incurred.

Amendment 1005

Carolina Punset, Gerben-Jan Gerbrandy

Proposal for a directive

Article 36 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall be allowed to support the development of a basic network of publicly accessible recharging points, in order to eliminate barriers to the initial development of electro-mobility.

Or. en

Justification

Electro-mobility is expected to become a significant vector for decarbonising the transport sector. However, the lack of a basic network of publicly accessible recharging points is a barrier for the development of electro-mobility, which should be addressed

Amendment 1006

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 38 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Member States **may** provide for national regulatory authorities or other competent authorities to classify a system which distributes electricity within a geographically confined industrial, commercial or shared services site and does not, without prejudice to paragraph 4, supply household customers, as a closed

1. Member States **shall** provide for national regulatory authorities or other competent authorities to classify a system which distributes electricity within a geographically confined industrial, commercial or shared services site and does not, without prejudice to paragraph 4, supply household customers, as a closed

distribution system if:

distribution system if:

Or. en

Amendment 1007

Pilar del Castillo Vera, Pilar Ayuso, Francesc Gambús

Proposal for a directive

Article 38 – paragraph 5

Text proposed by the Commission

5. Closed distribution systems *shall be considered as distribution systems for the purpose of the Directive.*

Amendment

5. *In any case, closed distribution systems will not obtain any remuneration stemming from the electricity system with regard to the construction, operation and maintenance of their networks.*

Or. en

Amendment 1008

Gunnar Hökmark

Proposal for a directive

Article 38 – paragraph 5

Text proposed by the Commission

5. *Closed distribution systems shall be considered as distribution systems for the purpose of the Directive.*

Amendment

5. *Provisions under Articles 32, 33 and 36 shall not apply to closed distribution systems.*

Or. en

Amendment 1009

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 40 – paragraph 1 – point a

Text proposed by the Commission

(a) ensuring the long-term ability of the system to meet reasonable demands for the transmission of electricity, operating, maintaining and developing under economic conditions secure, reliable and efficient transmission systems with due regard to the environment, in close cooperation with neighbouring transmission system operators and distribution system operators ;

Amendment

(a) ensuring the long-term ability of the system to ***uptake increasing levels of electricity produced from renewable sources***, meet reasonable demands for the transmission of electricity, operating, maintaining and developing under economic conditions secure, reliable and efficient transmission systems with due regard to the environment, ***and energy efficiency*** in close cooperation with neighbouring transmission system operators and distribution system operators ;

Or. en

Justification

The amendment is necessary for pressing reasons relating to the internal logic of the text.

Amendment 1010

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 40 – paragraph 1 – point c

Text proposed by the Commission

(c) contributing to security of supply through adequate transmission capacity and system reliability;

Amendment

(c) contributing to security of supply through adequate transmission capacity and system reliability, ***in particular, regulatory frameworks shall require and/or provide incentives for transmission system operators to achieve these objectives through investments in innovative solutions such as distributed generation, demand response or storage and energy efficiency/demand side management measures, which may supplant the need to upgrade or replace electricity capacity and which support the efficient and secure operation of the***

transmission system;

Or. en

Justification

The amendment is necessary for pressing reasons relating to the internal logic of the text.

Amendment 1011

Esther de Lange

Proposal for a directive

Article 40 – paragraph 1 – point c

Text proposed by the Commission

(c) contributing to security of supply through adequate transmission capacity and system reliability;

Amendment

(c) contributing to security of supply through adequate transmission capacity, ***services offered by energy storage capacity,*** and system reliability;

Or. en

Justification

The amendment is necessary for pressing reasons relating to the internal logic of the text.

Amendment 1012

Kaja Kallas, Fredrick Federley, Morten Helveg Petersen, Carolina Punset, Pavel Telička

Proposal for a directive

Article 40 – paragraph 1 – point h a (new)

Text proposed by the Commission

Amendment

(ha) standardisation, in cooperation with distribution system operators, of relevant data formats and protocols to facilitate crossborder exchange of data ;

Or. en

Amendment 1013

Jaromír Kohlíček

Proposal for a directive

Article 40 – paragraph 1 – point i

Text proposed by the Commission

(i) procuring ancillary services from market participants to ensure operational security.

Amendment

(i) procuring ancillary services from market participants, ***except in cases defined in Article 54***, to ensure operational security.

Or. en

Justification

TSOs should develop markets for ancillary services open to all market participants which have proven capabilities. Therefore TSOs agree that they should generally procure ancillary services via competitive markets. It is however not always possible to develop ancillary services markets for each product and in each location of the grids (for instance isolated systems).

Amendment 1014

Kateřina Konečná, Evžen Tošenovský

Proposal for a directive

Article 40 – paragraph 1 – point i

Text proposed by the Commission

(i) procuring ancillary services from market participants to ensure operational security.

Amendment

(i) procuring ancillary services from market participants, ***except in cases defined in Article 54***, to ensure operational security.

Or. en

Amendment 1015

Flavio Zanonato

Proposal for a directive

Article 40 – paragraph 1 – point i

Text proposed by the Commission

Amendment

(i) procuring ancillary services **from market participants** to ensure operational security.

(i) procuring ancillary services **on the basis of art. 54**, to ensure operational security.

Or. en

Justification

It provides consistency with the proposed changes to art. 54.

Amendment 1016

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a directive

Article 40 – paragraph 1 – point i

Text proposed by the Commission

Amendment

(i) procuring **ancillary** services from market participants to ensure operational security.

(i) procuring **balancing** services from market participants to ensure operational security.

Or. en

Amendment 1017

Kateřina Konečná, Evžen Tošenovský

Proposal for a directive

Article 40 – paragraph 1 – point j

Text proposed by the Commission

Amendment

(j) **adopting a framework for the cooperation and coordination between regional operational centres.**

deleted

Or. en

Amendment 1018

Pilar del Castillo Vera, Pilar Ayuso, Francesc Gambús

Proposal for a directive

Article 40 – paragraph 1 – point j

Text proposed by the Commission

Amendment

(j) adopting a framework for the cooperation and coordination between regional operational centres.

deleted

Or. en

Amendment 1019

Jaromír Kohlíček

Proposal for a directive

Article 40 – paragraph 1 – point j

Text proposed by the Commission

Amendment

(j) adopting a framework for the cooperation and coordination between regional operational centres.

deleted

Or. en

Justification

We do not support the establishment of the ROC.

Amendment 1020

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

Proposal for a directive

Article 40 – paragraph 1 – point j

Text proposed by the Commission

Amendment

(j) adopting a framework for the cooperation and coordination between regional operational centres.

(j) cooperating with the Agency, regional coordination centres and the ENTSO for electricity on the adoption of a framework for the cooperation and

coordination between regional
coordination centres

Or. en

Amendment 1021

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 40 – paragraph 1 – point j

Text proposed by the Commission

(j) *adopting* a framework for the cooperation and coordination between regional operational centres.

Amendment

(j) *cooperating with the Agency, regional operational centres and the ENTSO for electricity on the adoption of* a framework for the cooperation and coordination between regional operational centres.

Or. en

Amendment 1022

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a directive

Article 40 – paragraph 1 – point j

Text proposed by the Commission

(j) *adopting a framework for the cooperation and coordination between regional operational centres.*

Amendment

(j) *securing non-frequency ancillary services to ensure operational security*

Or. en

Amendment 1023

Pilar del Castillo Vera, Pilar Ayuso, Francesc Gambús

Proposal for a directive

Article 40 – paragraph 1 – point j a (new)

Text proposed by the Commission

Amendment

(ja) ensuring the efficient and secure integration of renewable energy, through central monitoring of at least all renewable energy power plants with installed capacity higher than 1 MW and control of those with installed capacity higher than 5 MW, including facilities connected to distribution networks within the transport system operator control area.

Or. en

Amendment 1024

Carolina Punset, Gerben-Jan Gerbrandy

Proposal for a directive

Article 40 – paragraph 1 – point j a (new)

Text proposed by the Commission

Amendment

(ja) ensuring the efficient and secure integration of renewable energy sources, at least through central monitoring and control of renewable energy production units with installed capacity higher than 10 MW, including facilities connected to distribution networks within the TSO control area;

Or. en

Justification

This information will allow TSOs to assess how much renewable energy can be integrated into the power system at any time while guaranteeing security of supply and efficient cross-border exchanges. If unacceptable situations in the power system are revealed, the TSO should be entitled to limit in real time the production of renewable energy generation facilities with installed capacity higher than 10 MW. The introduction of these requirements will help integrate large volumes of renewable energies in a cost effective and secure manner.

Amendment 1025

Flavio Zanonato

Proposal for a directive

Article 40 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

dispatching the generating installations in its area, where it has such a function, and for determining the use of interconnectors with other systems.

Or. en

Justification

The dispatching of power generation facilities is one of the main responsibilities held by TSOs under this Article, in accordance with the provisions laid down in Article 11, recast of Regulation 714/2009 as proposed by COM(2016)861/2.

Amendment 1026

Anneleen Van Bossuyt

Proposal for a directive

Article 40 – paragraph 1 – point j a (new)

Text proposed by the Commission

Amendment

(ja) digitalisation of transmission systems to ensure, among others, efficient real time data acquisition and use, smart substations;

Or. en

Amendment 1027

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

Proposal for a directive

Article 40 – paragraph 1 – point j a (new)

Text proposed by the Commission

Amendment

(ja) digitalisation of transmission systems to ensure, inter alia, efficient real time data acquisition and use

Or. en

Amendment 1028

Anneleen Van Bossuyt

Proposal for a directive

Article 40 – paragraph 1 – point j a (new)

Text proposed by the Commission

Amendment

(ja) data management, cyber security and data protection.

Or. en

Amendment 1029

Carolina Punset, Gerben-Jan Gerbrandy

Proposal for a directive

Article 40 – paragraph 1 – point j b (new)

Text proposed by the Commission

Amendment

(jb) digitalisation of transmission systems to ensure, among others, efficient real time data acquisition and use and smart substations;

Or. en

Justification

Digitalisation of the grid and development of smart grids cannot be limited to distribution - it provides a solution to the whole system. However, the EC assigns digital solutions entirely to DSOs, negating the fact that the transmission level equally has to go through a digital transformation (e.g., efficient real-time data acquisition and use, smart substations, etc.). Digitalization goes beyond smart meter roll-out in the retail market. Innovation is necessary

at the system level and should not be split between transmission and distribution.

Amendment 1030

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

Proposal for a directive

Article 40 – paragraph 1 – point j b (new)

Text proposed by the Commission

Amendment

(jb) data management, cyber security and data protection.

Or. en

Amendment 1031

Carolina Punset, Gerben-Jan Gerbrandy

Proposal for a directive

Article 40 – paragraph 1 – point j c (new)

Text proposed by the Commission

Amendment

(jc) data management, cyber security and data protection;

Or. en

Justification

Data management is a broad term that includes also data necessary for the operation of the whole system, for settlement purposes, for metering of both consumers, producers or storage connected anywhere in the system, etc. Proper preservation mechanisms of the integrity of such data and data systems managed by TSOs from any type of attack is a critical task already for all TSOs and should therefore also be assigned to TSOs.

Amendment 1032

Jaromír Kohlíček

Proposal for a directive

Article 40 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States may provide that one or several responsibilities listed under points (a) to (j) of paragraph 1 be assigned to a transmission system operator other than the one which owns the transmission system to which the concerned responsibilities would otherwise be applicable. The transmission system operator to which the tasks are assigned shall be certified as ownership unbundled and fulfil the requirements provided for in Article 43, but does not have to own the transmission system it is responsible for. The transmission system operator which owns the transmission system shall fulfil the requirements provided for in Chapter VI and be certified in accordance with Article 43. **deleted**

Or. en

Justification

We do not support the splitting of the responsibility of the TSO among other subjects. TSO would lose its rights and obligations towards the transmission grid it operates. This could be dangerous as regards the security of the grid operation.

Amendment 1033

Kateřina Konečná, Evžen Tošenovský

Proposal for a directive

Article 40 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States may provide that one or several responsibilities listed under points (a) to (j) of paragraph 1 be assigned to a transmission system operator other than the one which owns the transmission system to which the concerned responsibilities would otherwise be applicable. The transmission **deleted**

system operator to which the tasks are assigned shall be certified as ownership unbundled and fulfil the requirements provided for in Article 43, but does not have to own the transmission system it is responsible for. The transmission system operator which owns the transmission system shall fulfil the requirements provided for in Chapter VI and be certified in accordance with Article 43.

Or. en

Amendment 1034

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a directive

Article 40 – paragraph 2

Text proposed by the Commission

2. Member States may provide that one or several responsibilities listed under points (a) to (j) of paragraph 1 be assigned to a transmission system operator other than the one which owns the transmission system to which the concerned responsibilities would otherwise be applicable. The transmission system operator to which the tasks are assigned *shall be certified as ownership unbundled and fulfil the requirements provided for in Article 43, but* does not have to own the transmission system it is responsible for. *The transmission system operator which owns the transmission system shall fulfil the requirements provided for in Chapter VI and be certified in accordance with Article 43.*

Amendment

2. Member States may provide that one or several responsibilities listed under points (a) to (j) of paragraph 1 be assigned to a transmission system operator other than the one which owns the transmission system to which the concerned responsibilities would otherwise be applicable. The transmission system operator to which the tasks are assigned does not have to own the transmission system it is responsible for.

Or. en

Amendment 1035

Angelika Mlinar

Proposal for a directive
Article 40 – paragraph 2

Text proposed by the Commission

2. Member States may provide that one or several responsibilities listed under points (a) to (j) of paragraph 1 be assigned to a transmission system operator other than the one which owns the transmission system to which the concerned responsibilities would otherwise be applicable. The transmission system operator to which the tasks are assigned ***shall be certified as ownership unbundled and fulfil the requirements provided for in Article 43, but*** does not have to own the transmission system it is responsible for. ***The transmission system operator which owns the transmission system shall fulfil the requirements provided for in Chapter VI and be certified in accordance with Article 43.***

Amendment

2. Member States may provide that one or several responsibilities listed under points (a) to (j) of paragraph 1 be assigned to a transmission system operator other than the one which owns the transmission system to which the concerned responsibilities would otherwise be applicable. The transmission system operator to which the tasks are assigned does not have to own the transmission system it is responsible for.

Or. en

Justification

Taking account of existing ITO/ISO models in some Member States, which are monitored by the Commission and national regulatory authorities and do not show negative results regarding their independence.

Amendment 1036

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

Proposal for a directive
Article 40 – paragraph 2

Text proposed by the Commission

2. Member States may provide that one or several responsibilities listed under points (a) to (j) of paragraph 1 be assigned to a transmission system operator other than the one which owns the transmission

Amendment

2. Member States may provide that one or several responsibilities listed under points (a) to (j) of paragraph 1 be assigned to a transmission system operator other than the one which owns the transmission

system to which the concerned responsibilities would otherwise be applicable. The transmission system operator to which the tasks are assigned shall be certified as ownership unbundled and fulfil the requirements provided for in Article 43, but does not have to own the transmission system it is responsible for. The transmission system operator which owns the transmission system shall **fulfil** the requirements provided for in Chapter VI and be certified in accordance with Article 43.

system to which the concerned responsibilities would otherwise be applicable. The transmission system operator to which the tasks are assigned shall be certified as ownership unbundled, ***independent system operator or independent transmission operator*** and fulfil the requirements provided for in Article 43, but does not have to own the transmission system it is responsible for. The transmission system operator which owns the transmission system shall **fulfil** the requirements provided for in Chapter VI and be certified in accordance with Article 43.

Or. en

Amendment 1037
Jaromír Kohlíček

Proposal for a directive
Article 40 – paragraph 3

Text proposed by the Commission

Amendment

3. In performing the tasks listed in paragraph 1, the transmission system operator shall take into account the functions performed by the regional operational centres and cooperate as necessary with neighbouring transmission system operators.

deleted

Or. en

Justification

We do not support the establishment of the ROC. See comments on ROC in the regulation.

Amendment 1038
Kateřina Konečná, Evžen Tošenovský

Proposal for a directive
Article 40 – paragraph 3

Text proposed by the Commission

Amendment

3. In performing the tasks listed in paragraph 1, the transmission system operator shall take into account the functions performed by the regional operational centres and cooperate as necessary with neighbouring transmission system operators.

deleted

Or. en

Amendment 1039

Pilar del Castillo Vera, Pilar Ayuso, Francesc Gambús

Proposal for a directive
Article 40 – paragraph 3

Text proposed by the Commission

Amendment

3. In performing the tasks listed in paragraph 1, the transmission system operator shall *take into account the functions performed by the regional operational centres and* cooperate as necessary with neighbouring transmission system operators.

3. In performing the tasks listed in paragraph 1, the transmission system operator shall cooperate as necessary with neighbouring transmission system operators.

Or. en

Amendment 1040

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a directive
Article 40 – paragraph 4 – introductory part

Text proposed by the Commission

Amendment

4. In performing the task described in *point (i) of* paragraph 1, the transmission system operator shall ensure that the procurement of balancing services *and,*

4. *Transmission system operators may at their own initiative, or at the request of the regulatory authorities, procure non-frequency ancillary services*

unless justified by a cost-benefit analysis, non-frequency ancillary services, is:

in a market based manner: In performing the task described in paragraph 1(i), the transmission system operator shall ensure that the procurement of balancing services *should as far as possible be:*

Or. en

Amendment 1041
Miapetra Kumpula-Natri

Proposal for a directive
Article 40 – paragraph 4 – introductory part

Text proposed by the Commission

4. In performing the task described in point (i) of paragraph 1, the transmission system operator shall ensure that the procurement of *balancing services and, unless justified by a cost-benefit analysis, non-frequency* ancillary services, is:

Amendment

4. In performing the task described in point (i) of paragraph 1, the transmission system operator shall ensure that the procurement of ancillary services, is:

Or. en

Justification

If the text is limited to only non-frequency ancillary services some transmission system operators would be forced to sell their back-up power generation resources and buy them back from the market. These power reserves do not normally participate in electricity markets and have no market influence. Few market parties would likely be keen to operate these power reserves as they are only relied upon in extreme power shortage situations.

Amendment 1042
Martina Werner, Jeppe Kofod, Carlos Zorrinho, Theresa Griffin, Miroslav Poche, Dan Nica, José Blanco López, Soledad Cabezón Ruiz

Proposal for a directive
Article 40 – paragraph 4 – introductory part

Text proposed by the Commission

4. In performing the task described in point (i) of paragraph 1, the transmission

Amendment

4. In performing the task described in point (i) of paragraph 1, the transmission

system operator shall ensure that the procurement of balancing services and, unless justified by a cost-benefit analysis, non-frequency ancillary services, is:

system operator shall ensure that the procurement of balancing services and, unless justified by a cost-benefit analysis, ***and approved by the competent authority***, non-frequency ancillary services, is:

Or. en

Amendment 1043

Pilar del Castillo Vera, Pilar Ayuso, Francesc Gambús

Proposal for a directive

Article 40 – paragraph 4 – introductory part

Text proposed by the Commission

4. In performing the task described in point (i) of paragraph 1, the transmission system operator shall ensure that the procurement of balancing services and, unless justified by a cost-benefit analysis, non-frequency ancillary services, is:

Amendment

4. In performing the task described in point (i) of paragraph 1, the transmission system operator shall ensure that the procurement of balancing services and, unless justified by a cost-benefit ***or technical viability*** analysis, non-frequency ancillary services, is:

Or. en

Amendment 1044

Jaromír Kohlíček

Proposal for a directive

Article 40 – paragraph 4 – introductory part

Text proposed by the Commission

4. In performing the task described in point (i) of paragraph 1, the transmission system operator shall ensure that the procurement of balancing services and, unless justified ***by a cost-benefit analysis***, non-frequency ancillary services, is:

Amendment

4. In performing the task described in point (i) of paragraph 1, the transmission system operator shall ensure that the procurement of balancing services and, unless justified ***and approved by a competent authority***, non-frequency ancillary services, is:

Or. en

Amendment 1045

Kateřina Konečná, Evžen Tošenovský

Proposal for a directive

Article 40 – paragraph 4 – introductory part

Text proposed by the Commission

4. In performing the task described in point (i) of paragraph 1, the transmission system operator shall ensure that the procurement of balancing services and, unless justified ***by a cost-benefit analysis***, non-frequency ancillary services, is:

Amendment

4. In performing the task described in point (i) of paragraph 1, the transmission system operator shall ensure that the procurement of balancing services and, unless justified ***and approved by a competent authority***, non-frequency ancillary services, is:

Or. en

Amendment 1046

Pilar del Castillo Vera, Pilar Ayuso, Francesc Gambús

Proposal for a directive

Article 40 – paragraph 4 – point b

Text proposed by the Commission

(b) ensures effective participation of all market participants including renewable energy sources, demand response, energy storage facilities and aggregators, ***in particular by requiring regulatory authorities or transmission system operators*** in close cooperation with all market participants, ***to*** define technical modalities for participation in these markets on the basis of the technical requirements of these markets and the capabilities of all market participants.

Amendment

(b) ensures effective participation of all market participants including renewable energy sources, demand response, energy storage facilities and aggregators. ***The national competent authority***, in close cooperation with all market participants, ***shall*** define technical modalities for participation in these markets on the basis of the technical requirements of these markets and the capabilities of all market participants. ***The technical modalities and requirements shall be uniform throughout the territory of a Member State.***

Or. en

Amendment 1047

Jaromír Kohlíček

Proposal for a directive
Article 40 – paragraph 4 – point b

Text proposed by the Commission

(b) ensures effective participation of all market participants including renewable energy sources, demand response, energy storage facilities and aggregators, in particular by requiring regulatory authorities or transmission system operators in close cooperation with all market participants, to define technical modalities for participation in these markets on the basis of the technical requirements of these markets **and the capabilities of all market participants**.

Amendment

(b) ensures effective participation of all **qualified** market participants including renewable energy sources, demand response, energy storage facilities and aggregators, in particular by requiring regulatory authorities or transmission system operators in close cooperation with all market participants, to define technical modalities for participation in these markets on the basis of the technical requirements of these markets.

Or. en

Justification

When competitive markets do not exist and there is a need for a non-frequency related ancillary service, a TSO could make a regulated investment to ensure that the reliability of the system is guaranteed. The TSO should be able to prove the merit of this decision in the interest of grid users so that the competent authority can give its approval to such cases. All market participants aiming at participating in the particular energy market (e.g. day-ahead market, intraday market, market with ancillary services, etc.) has to fulfil the qualification criteria to participate in the specific market.

Amendment 1048
Patrizia Toia

Proposal for a directive
Article 40 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Member States shall provide the necessary regulatory framework to allow and incentivise transmission system operators to procure services in order to improve efficiencies in the operation and development of the transmission system, including cross-border congestion management. In particular, regulatory

frameworks shall enable transmission system operators to procure services from resources such as demand response or energy storage, which may supplant the need to upgrade or replace electricity capacity and which support the efficient and secure operation of the transmission system. Transmission system operators shall procure these services according to transparent, non-discriminatory and market based procedures. Transmission system operators shall define standardised market products for the services procured ensuring effective participation of all market participants including renewable energy sources, energy storage, demand response, and aggregators. Transmission system operators shall exchange all necessary information and coordinate with distribution system operators in order to ensure the optimal utilisation of resources, ensure the secure and efficient operation of the system and facilitate market development. Transmission system operators shall be adequately remunerated for the procurement of such services in order to recover at least the corresponding expenses, including the necessary information and communication technologies expenses, including expenses which correspond to the necessary information and communication infrastructure.

Or. en

Justification

Regulatory framework is fundamental in order to improve efficiencies in the operation and development of the transmission system.

Amendment 1049

Krišjānis Kariņš

Proposal for a directive

Article 40 – paragraph 5 a (new)

5a. Member States shall provide the necessary regulatory framework to allow and incentivise transmission system operators to procure services in order to improve efficiencies in the operation and development of the transmission system, including local congestion management. In particular, regulatory frameworks shall enable transmission system operators to procure services from resources such as demand response or storage and consider energy efficiency measures, which may supplant the need to upgrade or replace electricity capacity and which support the efficient and secure operation of the transmission system. Transmission system operators shall procure these services according to transparent, non-discriminatory and market based procedures.

Transmission system operators shall define standardised market products for the services procured ensuring effective participation of all market participants including renewable energy sources, demand response, storage and aggregators. Transmission system operators shall exchange all necessary information and coordinate with distribution system operators in order to ensure the optimal utilisation of resources, ensure the secure and efficient operation of the system and facilitate market development. Transmission system operators shall be adequately remunerated for the procurement of such services in order to recover at least the corresponding expenses, including the necessary information and communication technologies expenses.

Or. en

Amendment 1050

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

Proposal for a directive

Article 47 – paragraph 3

Text proposed by the Commission

3. The vertically integrated ***undertaking and its subsidiaries*** performing functions of generation or supply shall not have any direct or indirect shareholding in the transmission system operator. The transmission system operator shall neither have any direct or indirect shareholding in any subsidiary of the vertically integrated undertaking performing functions of generation or supply, nor receive dividends or any other financial benefit from that subsidiary.

Amendment

3. ***Subsidiaries of*** the vertically integrated ***undertakings*** performing functions of generation or supply shall not have any direct or indirect shareholding in the transmission system operator. The transmission system operator shall neither have any direct or indirect shareholding in any subsidiary of the vertically integrated undertaking performing functions of generation or supply, nor receive dividends or any other financial benefit from that subsidiary.

Or. en

Justification

The amendment is necessary for pressing reasons relating to the internal logic of the text.

Amendment 1051

András Gyürk, György Hölvényi

Proposal for a directive

Article 47 – paragraph 3

Text proposed by the Commission

3. The vertically integrated undertaking ***and its subsidiaries*** performing functions of generation or supply shall not have any direct or indirect shareholding in the transmission system operator. The transmission system operator shall neither have any direct or indirect shareholding in any subsidiary of the vertically integrated undertaking performing functions of generation or

Amendment

3. ***Subsidiaries of*** the vertically integrated undertaking performing functions of generation or supply shall not have any direct or indirect shareholding in the transmission system operator. The transmission system operator shall neither have any direct or indirect shareholding in any subsidiary of the vertically integrated undertaking performing functions of generation or supply, nor receive dividends

supply, nor receive dividends or any other financial benefit from that subsidiary.

or any other financial benefit from that subsidiary.

Or. en

Amendment 1052

Angelika Mlinar

Proposal for a directive

Article 47 – paragraph 3

Text proposed by the Commission

3. The vertically integrated undertaking **and its subsidiaries** performing functions of generation or supply shall not have any direct or indirect shareholding in the transmission system operator. The transmission system operator shall neither have any direct or indirect shareholding in any subsidiary of the vertically integrated undertaking performing functions of generation or supply, nor receive dividends or any other financial benefit from that subsidiary.

Amendment

3. ***Subsidiaries of*** the vertically integrated undertaking performing functions of generation or supply shall not have any direct or indirect shareholding in the transmission system operator. The transmission system operator shall neither have any direct or indirect shareholding in any subsidiary of the vertically integrated undertaking performing functions of generation or supply, nor receive dividends or any other financial benefit from that subsidiary.

Or. en

Justification

Taking account of the ITO system as alternative to ownership unbundling, which is successfully in place in some Member States, monitored by the Commission and the national regulatory authorities.

Amendment 1053

Françoise Grossetête

Proposal for a directive

Article 47 – paragraph 3

Text proposed by the Commission

3. The vertically integrated undertaking **and its subsidiaries**

Amendment

3. ***Subsidiaries of*** the vertically integrated undertaking performing

performing functions of generation or supply shall not have any direct or indirect shareholding in the transmission system operator. The transmission system operator shall neither have any direct or indirect shareholding in any subsidiary of the vertically integrated undertaking performing functions of generation or supply, nor receive dividends or any other financial benefit from that subsidiary.

functions of generation or supply shall not have any direct or indirect shareholding in the transmission system operator. The transmission system operator shall neither have any direct or indirect shareholding in any subsidiary of the vertically integrated undertaking performing functions of generation or supply, nor receive dividends or any other financial benefit from that subsidiary.

Or. en

Justification

The proposal of the Commission is contradictory to article 43, paragraph 7, which allows for the independent transmission operator (ITO) as alternative to ownership unbundling. By forbidding not only subsidiaries but also the integrated company as such to have any direct or indirect shareholding in the transmission system operator, an ITO solution would be de facto impossible.

Amendment 1054 **Paul Rübiger**

Proposal for a directive **Article 47 – paragraph 3**

Text proposed by the Commission

3. The vertically integrated undertaking **and its subsidiaries** performing functions of generation or supply shall not have any direct or indirect shareholding in the transmission system operator. The transmission system operator shall neither have any direct or indirect shareholding in any subsidiary of the vertically integrated undertaking performing functions of generation or supply, nor receive dividends or any other financial benefit from that subsidiary.

Amendment

3. ***Subsidiaries of*** the vertically integrated undertaking performing functions of generation or supply shall not have any direct or indirect shareholding in the transmission system operator. The transmission system operator shall neither have any direct or indirect shareholding in any subsidiary of the vertically integrated undertaking performing functions of generation or supply, nor receive dividends or any other financial benefit from that subsidiary.

Or. en

Justification

This proposal stands in contradiction to Art 43(7) which allows for an Independent Transmission Operator (ITO Model) as alternative to ownership unbundling. With the originally proposed text forbidding not only a subsidiary but also an integrated company shareholding in the TSO, an ITO solution would be practically impossible. However, none of the report of the unbundling rules (Commission report, 13/10/2014; CEER status report 28/04/2016) identified the need to tighten the unbundling rules.

Amendment 1055

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a directive

Article 51 – paragraph 1

Text proposed by the Commission

1. ***At least*** every two years, transmission system operators shall submit to the regulatory authority a ten-year network development plan based on existing and forecast supply and demand after having consulted all the relevant stakeholders. That network development plan shall contain efficient measures in order to guarantee the adequacy of the system and the security of supply.

Amendment

1. Every two years, transmission system operators shall submit to the regulatory authority a ***draft*** ten-year network development plan based on existing and forecast supply and demand after having consulted all the relevant stakeholders. That network development plan shall contain efficient measures in order to guarantee the adequacy of the system and the security of supply. ***The regulatory authority shall review the draft ten-year network development plan and approve it. Before its approval, it may require the transmission system operator to amend its ten-year network development plan. The transmission system operator shall publish the ten-year network development plan on its website.***

Or. en

Amendment 1056

Patrizia Toia

Proposal for a directive

Article 51 – paragraph 1

Text proposed by the Commission

1. At least every two years, transmission system operators shall submit to the regulatory authority a ten-year network development plan based on existing and forecast supply and demand after having consulted all the relevant stakeholders. That network development plan shall contain efficient measures in order to guarantee the adequacy of the system and the security of supply.

Amendment

1. At least every two years, transmission system operators shall submit to the regulatory authority a ten-year network development plan based on existing and forecast supply and demand after having consulted all the relevant stakeholders. That network development plan shall contain efficient measures ***and demonstrate the use of demand response, energy storage facilities or other resources that the transmission system operator is using as an alternative to system expansion*** in order to guarantee the adequacy of the system and the security of supply.

Or. en

Justification

The ten year network development plan recognises storage, demand response and other new resources/technologies as an integral part of our future grid planning and expansion

Amendment 1057

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 51 – paragraph 1

Text proposed by the Commission

1. At least every two years, transmission system operators shall submit to the regulatory authority a ten-year network development plan based on existing and forecast supply and demand after having consulted all the relevant stakeholders. That network development plan shall contain efficient measures in order to guarantee the adequacy of the system and the security of supply.

Amendment

1. At least every two years, transmission system operators shall submit to the regulatory authority a ten-year network development plan based on existing and forecast supply and demand after having consulted all the relevant stakeholders. That network development plan shall contain efficient measures ***and include the procurement of services provided by demand response, energy storage facilities or other resources that***

the transmission system operator is using as an alternative to system expansion in order to guarantee the adequacy of the system and the security of supply.

Or. en

Amendment 1058
Eva Kaili

Proposal for a directive
Article 51 – paragraph 1

Text proposed by the Commission

1. At least every two years, transmission system operators shall submit to the regulatory authority a ten-year network development plan based on existing and forecast supply and demand after having consulted all the relevant stakeholders. That network development plan shall contain efficient measures in order to guarantee the adequacy of the system and the security of supply.

Amendment

1. At least every two years, transmission system operators shall submit to the regulatory authority a ten-year network development plan based on existing and forecast supply and demand after having consulted all the relevant stakeholders. That network development plan shall contain efficient measures *and demonstrate the use of demand response, energy storage facilities or other resources that the transmission system operator is using as an alternative to system expansion* in order to guarantee the adequacy of the system and the security of supply.

Or. en

Amendment 1059
Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive
Article 51 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) set out the level of overall system flexibility that will be required to deliver Union-wide climate and energy targets at least cost through ensuring efficient

*utilisation of renewable generation assets
using a common methodology developed
by ENTSO-E;*

Or. en

Justification

Power system costs and security will be more and more determined by the level of system flexibility and it is important to capture this in the ten-year network development plan. It is essential to introduce requirements to assess the level of system flexibility allowing to efficiently accommodate renewables. This will support Member States in their requirement to set out national objectives and measures to increase the flexibility of their electricity system.

Amendment 1060

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 51 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) set out the level of overall system flexibility that will be required to deliver Union-wide climate and energy targets at least cost through ensuring efficient utilisation of renewable generation assets using common methodology developed by ENTSO-E;

Or. en

Amendment 1061

Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive

Article 51 – paragraph 2 – point a b (new)

Text proposed by the Commission

Amendment

(ab) establish a target and trajectory for the minimum demand side response capacity required to ensure system

flexibility at least cost in line with definitions defined by ENTSO-E;

Or. en

Justification

Power system costs and security will be more and more determined by the level of system flexibility and it is important to capture this in the ten-year network development plan. It is essential to introduce requirements to assess the level of system flexibility allowing to efficiently accommodate renewables. This will support Member States in their requirement to set out national objectives and measures to increase the flexibility of their electricity system.

Amendment 1062

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 51 – paragraph 2 – point a b (new)

Text proposed by the Commission

Amendment

(ab) establish a target and trajectory for the minimum demand side response capacity required to ensure system flexibility at least cost in line with definitions defined by ENTSO-E;

Or. en

Amendment 1063

Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive

Article 51 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) contain all the investments already decided and identify new investments which have to be executed in the next three years; and

(b) contain all the investments already decided and identify new investments which have to be executed in the next three years *including those relating to overall system flexibility and demand response in particular*; and

Justification

Power system costs and security will be more and more determined by the level of system flexibility and it is important to capture this in the ten-year network development plan. It is essential to introduce requirements to assess the level of system flexibility allowing to efficiently accommodate renewables. This will support Member States in their requirement to set out national objectives and measures to increase the flexibility of their electricity system.

Amendment 1064**Claude Turmes**

on behalf of the Verts/ALE Group

Proposal for a directive**Article 51 – paragraph 2 – point b***Text proposed by the Commission*

(b) contain all the investments already decided and identify new investments which have to be executed in the next three years; and

Amendment

(b) contain all the investments already decided and identify new investments which have to be executed in the next three years ***including those relating to overall system flexibility and demand response in particular***; and

Justification

This amendment introduces a new requirement to assess the level of system flexibility that will be required to efficiently accommodate variable renewables in line with Union-wide targets for carbon reduction and renewable energy. This will support Member States in their requirement to set out national objectives and measures to increase the flexibility of their electricity system, as defined in Article 4 and 21 of the proposed Governance Regulation. Article 27 of the Electricity regulation introduces the requirement on ENTSO-E to develop guidance on system flexibility assessments, and on the setting of demand response targets. Power system costs and security of supply will increasingly be determined by the level of system flexibility and it is important that this is captured in the ten-year network development plan.

Amendment 1065**Claude Turmes**

on behalf of the Verts/ALE Group

Proposal for a directive
Article 51 – paragraph 3

Text proposed by the Commission

3. When elaborating the ten-year network development plan, the transmission system operator shall make reasonable assumptions about the evolution of the generation, supply, energy storage, consumption and exchanges with other countries, taking into account investment plans for regional and Union -wide networks.

Amendment

3. When elaborating the ten-year network development plan, the transmission system operator shall make reasonable assumptions about the evolution of the generation, supply, energy storage, ***demand response***, consumption and exchanges with other countries, taking into account investment plans for regional and Union -wide networks.

Or. en

Justification

Demand response will be a critical system resource in the future and should be explicitly mentioned as worthy of attention by the system operators.

Amendment 1066
Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive
Article 51 – paragraph 3

Text proposed by the Commission

3. When elaborating the ten-year network development plan, the transmission system operator shall make reasonable assumptions about the evolution of the generation, supply, energy storage, consumption and exchanges with other countries, taking into account investment plans for regional and Union -wide networks.

Amendment

3. When elaborating the ten-year network development plan, the transmission system operator shall make reasonable assumptions about the evolution of the generation, supply, energy storage, ***demand response***, consumption and exchanges with other countries, taking into account investment plans for regional and Union -wide networks.

Or. en

Amendment 1067
Kathleen Van Brempt

Proposal for a directive
Article 51 – paragraph 5

Text proposed by the Commission

5. The regulatory authority shall examine whether the ten-year network development plan covers all investment needs identified during the consultation process, and whether it is consistent with the non-binding Union -wide ten-year network development plan (Union -wide network development plan) referred to in [Article 27(1)(b) of recast of Regulation 714/2009 as proposed by COM(2016)861/2]. If any doubt arises as to the consistency with the ***Union -wide*** network development plan, the regulatory authority shall consult the Agency. The regulatory authority may require the transmission system operator to amend its ten-year network development plan.

Amendment

5. The regulatory authority shall examine whether the ten-year network development plan covers all investment needs identified during the consultation process, and whether it is consistent with the non-binding Union -wide ten-year network development plan (Union -wide network development plan) referred to in [Article 27(1)(b) of recast of Regulation 714/2009 as proposed by COM(2016)861/2] ***and with the National Energy and Climate Plans tabled in the frame of the [Governance Regulation as proposed by COM(2016)759]***. If any doubt arises as to the consistency with the ***Union-wide*** network development plan ***or with the National Energy and Climate plans***, the regulatory authority shall consult the Agency. The regulatory authority may require the transmission system operator to amend its ten-year network development plan.

Or. en

Amendment 1068
Claude Turmes
on behalf of the Verts/ALE Group

Proposal for a directive
Article 51 – paragraph 5

Text proposed by the Commission

5. The regulatory authority shall examine whether the ten-year network development plan covers all investment needs identified during the consultation process, and whether it is consistent with

Amendment

5. The regulatory authority shall examine whether the ten-year network development plan covers all investment needs identified during the consultation process, and whether it is consistent with

the non-binding Union -wide ten-year network development plan (Union -wide network development plan) referred to in [Article 27(1)(b) of recast of Regulation 714/2009 as proposed by COM(2016)861/2]. If any doubt arises as to the consistency with the **Union -wide** network development plan, the regulatory authority shall consult the Agency. The regulatory authority may require the transmission system operator to amend its ten-year network development plan.

the non-binding Union -wide ten-year network development plan (Union -wide network development plan) referred to in [Article 27(1)(b) of recast of Regulation 714/2009 as proposed by COM(2016)861/2]**and the Union-wide climate and energy targets**. If any doubt arises as to the consistency with the **Union-wide** network development plan **or climate and energy targets**, the regulatory authority shall consult the Agency. The regulatory authority may require the transmission system operator to amend its ten-year network development plan

Or. en

Justification

This amendment provides explicit recognition that the Union-wide target introduce new system requirements and that these must be assessed. The system operators will have an important role in minimising the costs of delivering these targets through planning to increase the levels of system flexibility to accommodate high volumes of variable renewable electricity.

Amendment 1069

Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive

Article 51 – paragraph 5

Text proposed by the Commission

5. The regulatory authority shall examine whether the ten-year network development plan covers all investment needs identified during the consultation process, and whether it is consistent with the non-binding Union -wide ten-year network development plan (Union -wide network development plan) referred to in [Article 27(1)(b) of recast of Regulation 714/2009 as proposed by COM(2016)861/2]. If any doubt arises as to the consistency with the Union -wide network development plan, the regulatory

Amendment

5. The regulatory authority shall examine whether the ten-year network development plan covers all investment needs identified during the consultation process, and whether it is consistent with the non-binding Union -wide ten-year network development plan (Union -wide network development plan) referred to in [Article 27(1)(b) of recast of Regulation 714/2009 as proposed by COM(2016)861/2] **and the EU's climate and energy targets**. If any doubt arises as to the consistency with the Union -wide

authority shall consult the Agency. The regulatory authority may require the transmission system operator to amend its ten-year network development plan.

network development plan **or climate and energy targets**, the regulatory authority shall consult the Agency. The regulatory authority may require the transmission system operator to amend its ten-year network development plan.

Or. en

Justification

The EU's target will introduce new system requirements and that these must be recognised and assessed. System operators will have a central role in planning to increase the levels of system flexibility to accommodate high volumes of renewable electricity.

Amendment 1070

Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive

Article 51 – paragraph 6

Text proposed by the Commission

6. The regulatory authority shall monitor and evaluate the implementation of the ten-year network development plan.

Amendment

6. The regulatory authority shall monitor and evaluate the implementation of the ten-year network development plan. ***In particular, the regulatory authority shall monitor and evaluate the development of overall system flexibility and report annually on progress in reaching the demand response target and trajectory set in Article 51(1)(a b).***

Or. en

Justification

This amendment ensures adequate monitoring of progress in delivering improvements in overall system flexibility and in the levels of demand response.

Amendment 1071

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive
Article 51 – paragraph 6

Text proposed by the Commission

6. The regulatory authority shall monitor and evaluate the implementation of the ten-year network development plan.

Amendment

6. The regulatory authority shall monitor and evaluate the implementation of the ten-year network development plan.
In particular, the regulatory authority shall monitor and evaluate the development of overall system flexibility and report annually on progress in reaching the demand response target and trajectory set in Article 51(1)(a b).

Or. en

Justification

This amendment ensures adequate monitoring of progress in delivering improvements in overall system flexibility and in the levels of demand response. This allows remedial action to be taken when required as specified in Article 51(7).

Amendment 1072

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 51 – paragraph 7 – subparagraph 1 – introductory part

Text proposed by the Commission

In circumstances where the transmission system operator, other than for overriding reasons beyond its control, does not execute an investment, which, under the ten-year network development plan, was to be executed in the following three years, Member States shall ensure that the regulatory authority is required to take at least one of the following measures to ensure that the investment in question is made if such investment is still relevant on the basis of the most recent ten-year network development plan:

Amendment

In circumstances where the transmission system operator, other than for overriding reasons beyond its control, does not execute an investment, which, under the ten-year network development plan, was to be executed in the following three years, ***or identifies a deficiency in the level of system flexibility and, in particular, demand response***, Member States shall ensure that the regulatory authority is required to take at least one of the following measures to ensure that the investment in question is made if such investment is still relevant on the basis of

the most recent ten-year network development plan, ***or to ensure that the level of system flexibility required, and in particular demand response capacity, is met:***

Or. en

Amendment 1073

Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive

Article 51 – paragraph 7 – subparagraph 1 – introductory part

Text proposed by the Commission

In circumstances where the transmission system operator, other than for overriding reasons beyond its control, does not execute an investment, which, under the ten-year network development plan, was to be executed in the following three years, Member States shall ensure that the regulatory authority is required to take at least one of the following measures to ensure that the investment in question is made if such investment is still relevant on the basis of the most recent ten-year network development plan:

Amendment

In circumstances where the transmission system operator, other than for overriding reasons beyond its control, does not execute an investment, which, under the ten-year network development plan, was to be executed in the following three years ***or identifies a deficiency in the level of system flexibility and, in particular, demand response***, Member States shall ensure that the regulatory authority is required to take at least one of the following measures to ensure that the investment in question is made if such investment is still relevant on the basis of the most recent ten-year network development plan ***or to ensure that the level of system flexibility required, and in particular demand response capacity, is met:***

Or. en

Justification

It may be difficult to predict when new system flexibilities become available and this may lead to deficiencies and high system costs and/or security of supply concerns. It is then important to give Member States the possibility to oblige some market actors to directly procure the necessary resources, especially for the demand response market which is still immature.

Amendment 1074

Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive

Article 51 – paragraph 7 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) to organise a tender procedure open to any investors for the investment in question; **or**

(b) to organise a tender procedure open to any investors for the investment in question;

Or. en

Amendment 1075

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 51 – paragraph 7 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) to organise a tender procedure open to any investors for the investment in question; **or**

(b) to organise a tender procedure open to any investors for the investment in question;

Or. en

Amendment 1076

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 51 – paragraph 7 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) to oblige the transmission system operator to accept a capital increase to finance the necessary investments and allow independent investors to participate in the capital.

(c) to oblige the transmission system operator to accept a capital increase to finance the necessary investments and allow independent investors to participate in the capital, **or**

Or. en

Amendment 1077

Dario Tamburrano, David Borrelli

Proposal for a directive

Article 51 – paragraph 7 – subparagraph 1 – point c

Text proposed by the Commission

(c) to oblige the transmission system operator to accept a capital increase to finance the necessary investments and allow independent investors to participate in the capital.

Amendment

(c) to oblige the transmission system operator to accept a capital increase to finance the necessary investments and allow independent investors to participate in the capital; **or**

Or. en

Amendment 1078

Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive

Article 51 – paragraph 7 – subparagraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) to place an obligation on the transmission system operator, distribution system operators or energy suppliers to procure the necessary level of system flexibility and demand response.

Or. en

Justification

It may be difficult to predict when new system flexibilities become available and this may lead to deficiencies and high system costs and/or security of supply concerns. It is then important to give Member States the possibility to oblige some market actors to directly procure the necessary resources, especially for the demand response market which is still immature.

Amendment 1079

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 51 – paragraph 7 – subparagraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) to place an obligation on the transmission system operator, distribution system operators or energy suppliers to procure the necessary level of system flexibility and demand response.

Or. en

Justification

It may be difficult to predict how and when new sources of system flexibility become available and, therefore, this may lead to unexpected deficiencies which could create high system costs and/or security of supply concerns. In these circumstances, it is appropriate to give Member States the option to oblige certain market actors, including system operators, to directly procure the necessary resources. This is particularly important for the demand response market which is, as yet, immature and is likely to require some initial support to achieve the scale required.

Amendment 1080

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 52 – paragraph 4 – point c

Text proposed by the Commission

Amendment

(c) upon a reasoned request from the Commission.

(c) upon a reasoned request from the Commission, **notably in conformity with the [European framework for screening of foreign direct investments]**.

Or. en

Justification

Transmission systems are strategic assets and should be taken into account under the newly proposed EU-level investment screening framework.

Amendment 1081
Hans-Olaf Henkel

Proposal for a directive
Article 54 – paragraph 1

Text proposed by the Commission

Amendment

1. Transmission system operators shall not be allowed to own, manage or operate energy storage facilities and shall not own directly or indirectly control assets that provide ancillary services.

deleted

Or. en

Amendment 1082
Massimiliano Salini

Proposal for a directive
Article 54 – paragraph 1

Text proposed by the Commission

Amendment

1. Transmission system operators shall not be allowed to own, manage or operate energy storage facilities and shall not own directly or indirectly control assets that provide ancillary services.

1. Transmission system operators shall not be allowed to own, manage or operate energy storage facilities and shall not own directly or indirectly control assets that provide ancillary services ***except for:***

(a) facilities and assets existing at the entry in force of this regulation; or,

(b) facilities and assets being an integral part of the transmission network, such as, but not limited to, compensating devices, capacitors, reactors, transformer, static VAr compensator, HVDC links or interconnectors, for the purpose of, amongst other, ancillary services provision.

Or. en

Amendment 1083
Angelika Mlinar

Proposal for a directive
Article 54 – paragraph 1

Text proposed by the Commission

1. Transmission system operators shall not be allowed to own, manage or operate energy storage facilities and shall not own directly or indirectly control assets that provide ancillary services.

Amendment

1. Transmission system operators shall not be allowed to own, manage or operate energy storage facilities and shall not own directly or indirectly control assets that provide ancillary services, ***except equipment used for short-term control of the transmission system, if the system lacks the necessary and functional storage capacity for operation and where national regulatory authority has granted approval. Transmission system operators are not allowed to participate with this storage in any regular market.***

Or. en

Amendment 1084
Seán Kelly

Proposal for a directive
Article 54 – paragraph 1

Text proposed by the Commission

1. Transmission system operators shall not be allowed to own, manage or operate energy storage facilities ***and shall not own directly or indirectly*** control assets ***that provide*** ancillary services.

Amendment

1. Transmission system operators shall not be allowed to own, manage or operate energy storage facilities ***unless those facilities or assets are an integral part of the transmission system, including interconnectors, or in case the equipment is used by the transmission system operators for short-term control of the transmission system where there is no undue influence on energy and non-frequency ancillary services markets, and where the national regulatory authority has granted its approval.***

Or. en

Amendment 1085

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

Proposal for a directive

Article 54 – paragraph 1

Text proposed by the Commission

1. Transmission system operators shall not be allowed to own, manage or operate energy storage facilities and shall not own directly or indirectly control assets that provide ancillary services.

Amendment

1. Transmission system operators shall not be allowed to own, manage or operate energy storage facilities and shall not own directly or indirectly control assets that provide ancillary services, ***unless those facilities or assets are an integral part of the transmission system and where the national regulatory authority has granted its approval.***

Or. en

Amendment 1086

Jerzy Buzek, Janusz Lewandowski, Marian-Jean Marinescu

Proposal for a directive

Article 54 – paragraph 1

Text proposed by the Commission

1. Transmission system operators shall not be allowed to own, manage or operate energy storage facilities and shall not own directly or indirectly control assets that provide ancillary services.

Amendment

1. Transmission system operators shall not be allowed to own, manage or operate energy storage facilities and shall not own directly or indirectly control assets that provide ancillary services, ***apart from the assets that constitute an integral part of the transmission grid.***

Or. en

Justification

This amendment aims to clarify that TSOs shall be allowed, without restrictions, to own assets that provide ancillary services, if such assets constitute an integral part of the grid (e.g. reactors, HVDC cables, capacitors, transformers). The wording proposed by the Commission may be interpreted in a way that TSOs are not allowed to own such assets, even though they are essential elements of a transmission grid.

Amendment 1087

Jaromír Kohlíček

Proposal for a directive

Article 54 – paragraph 1

Text proposed by the Commission

1. Transmission system operators shall not be allowed to own, manage or operate energy storage facilities and shall not own directly or indirectly control assets that provide **ancillary** services.

Amendment

1. Transmission system operators shall not be allowed to own, manage or operate energy storage facilities **to provide balancing services or which are used to sell electricity to the market** and shall not own directly or indirectly control assets that provide **such** services.

Or. en

Justification

The ban should be more specific and comprise only use of storage facilities for providing balancing services or selling electricity to the market. Non-frequency ancillary services can be under certain conditions provided by TSOs.

Amendment 1088

Ashley Fox

Proposal for a directive

Article 54 – paragraph 1

Text proposed by the Commission

1. Transmission system operators shall not be allowed to own, manage or operate energy storage facilities and shall not own directly or indirectly control assets that provide ancillary services.

Amendment

1. Transmission system operators shall not be allowed to own, **develop**, manage or operate energy storage facilities and shall not own directly or indirectly control assets that provide ancillary services, **except where ownership is established by [date come into force]**.

Or. en

Amendment 1089

Barbara Kappel

Proposal for a directive

Article 54 – paragraph 2

Text proposed by the Commission

Amendment

2. By way of derogation from paragraph 1, Member States may allow transmission system operators to own, manage or operate storage facilities or assets providing non-frequency ancillary services if the following conditions are fulfilled: *deleted*

(a) other parties, following an open and transparent tendering procedure, have not expressed their interest to own, control, manage or operate such facilities offering storage and/or non-frequency ancillary services to the transmission system operator;

(b) such facilities or non-frequency ancillary services are necessary for the transmission system operators to fulfil their obligations under this Directive for the efficient, reliable and secure operation of the transmission system and they are not used to sell electricity to the market; and

(c) the regulatory authority has assessed the necessity of such derogation taking into account the conditions under points (a) and (b) of this paragraph and has granted its approval.

Or. en

Amendment 1090

Flavio Zanonato

Proposal for a directive

Article 54 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. ***By way of derogation from*** paragraph 1, Member States may ***allow transmission system operators to own, manage or operate storage facilities or assets providing non-frequency ancillary services*** if the following conditions are fulfilled:

2. ***Without prejudice to*** paragraph 1, Member States may ***provide derogations*** if the following conditions are fulfilled:

Or. en

Justification

In order to fulfil their responsibility to maintain grid stability as well as to manage the electricity system, TSOs own or operate assets providing ancillary services either as an integral part of the transmission electricity network, or by contrast for their operations. Preventing the ownership and control of such facilities by TSOs will lead to an extremely burdensome process with no tangible benefits for consumers and the market.

Amendment 1091
Massimiliano Salini

Proposal for a directive
Article 54 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. ***By way of derogation from*** paragraph 1, Member States may ***allow transmission system operators to own, manage or operate storage facilities or assets providing non-frequency ancillary services*** if the following conditions are fulfilled:

2. ***Without prejudice to*** paragraph 1, Member States may ***provide derogations*** if the following conditions are fulfilled:

Or. en

Amendment 1092
Jaromír Kohlíček

Proposal for a directive
Article 54 – paragraph 2 – introductory part

Text proposed by the Commission

2. By way of derogation from paragraph 1, Member States may allow transmission system operators to own, manage or operate storage facilities **or assets providing non-frequency ancillary services** if the following conditions are fulfilled:

Amendment

2. By way of derogation from paragraph 1, Member States may allow transmission system operators to own, manage or operate storage facilities if the following conditions are fulfilled:

Or. en

Amendment 1093

Ashley Fox

Proposal for a directive

Article 54 – paragraph 2 – introductory part

Text proposed by the Commission

2. By way of derogation from paragraph 1, Member States may allow transmission system operators to own, manage or operate storage facilities or assets providing non-frequency ancillary services if the following conditions are fulfilled:

Amendment

2. By way of derogation from paragraph 1, Member States may allow transmission system operators to own, **develop**, manage or operate storage facilities or assets providing non-frequency ancillary services if the following conditions are fulfilled:

Or. en

Amendment 1094

Hans-Olaf Henkel

Proposal for a directive

Article 54 – paragraph 2 – introductory part

Text proposed by the Commission

2. **By way of derogation from paragraph 1**, Member States may allow transmission system operators to own, manage or operate storage facilities or assets providing non-frequency ancillary services if the following conditions are

Amendment

2. Member States may allow transmission system operators to own, manage or operate storage facilities or assets providing non-frequency ancillary services if the following conditions are fulfilled:

fulfilled:

Or. en

Amendment 1095
Henna Virkkunen

Proposal for a directive
Article 54 – paragraph 2 – introductory part

Text proposed by the Commission

2. By way of derogation from paragraph 1, Member States may allow transmission system operators to own, manage or operate storage facilities or assets providing ***non-frequency*** ancillary services if the following conditions are fulfilled:

Amendment

2. By way of derogation from paragraph 1, Member States may allow transmission system operators to own, manage or operate storage facilities or assets providing ancillary services if the following conditions are fulfilled:

Or. en

Justification

To fulfil their responsibility to maintain grid stability, TSOs own or operate facilities which provide ancillary services. Preventing ownership and control of such facilities by TSOs will create difficulties to ensure security of supply.

Amendment 1096
Miapetra Kumpula-Natri

Proposal for a directive
Article 54 – paragraph 2 – introductory part

Text proposed by the Commission

2. By way of derogation from paragraph 1, Member States may allow transmission system operators to own, manage or operate storage facilities or assets providing ***non-frequency*** ancillary services if the following conditions are fulfilled:

Amendment

2. By way of derogation from paragraph 1, Member States may allow transmission system operators to own, manage or operate storage facilities or assets providing ancillary services if the following conditions are fulfilled:

Justification

If the derogation is limited to only non-frequency ancillary services some transmission system operators would be forced to sell their back-up power generation resources and buy them back from the market. These power reserves do not normally participate in electricity markets and have no market influence. Few market parties would likely be keen to operate these power reserves as they are only relied upon in extreme power shortage situations.

Amendment 1097

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a directive**Article 54 – paragraph 2 – point a**

Text proposed by the Commission

Amendment

(a) other parties, following an open and transparent tendering procedure, have not expressed their interest to own, control, manage or operate such facilities offering storage and/or non-frequency ancillary services to the transmission system operator;

deleted

Or. en

Amendment 1098

Hans-Olaf Henkel

Proposal for a directive**Article 54 – paragraph 2 – point a**

Text proposed by the Commission

Amendment

(a) other parties, following ***an open*** and transparent tendering procedure, have not expressed their interest to own, control, manage or operate such facilities offering storage and/or non-frequency ancillary services to the transmission system operator;

(a) other parties, following ***a technology-neutral*** and transparent tendering procedure, have not expressed their interest to own, control, manage or operate such facilities offering storage and/or non-frequency ancillary services to the transmission system operator ***or cannot provide it as cost-efficient as grid***

operators;

Or. en

Amendment 1099

Kaja Kallas, Fredrick Federley, Morten Helveg Petersen, Carolina Punset, Pavel Telička

Proposal for a directive

Article 54 – paragraph 2 – point a

Text proposed by the Commission

(a) other parties, following an open and transparent tendering procedure, have not expressed their interest to own, control, manage or operate such facilities offering storage and/or non-frequency ancillary services to the transmission system operator;

Amendment

(a) other parties, following an open and transparent tendering procedure, ***supervised by the national regulatory authority***, have not expressed their interest to own, control, manage or operate such facilities offering storage and/or non-frequency ancillary services to the transmission system operator;

Or. en

Amendment 1100

Jaromír Kohlíček

Proposal for a directive

Article 54 – paragraph 2 – point a

Text proposed by the Commission

(a) other parties, following an open and transparent tendering procedure, have not expressed their interest to own, control, manage or operate such facilities offering storage ***and/or non-frequency ancillary services*** to the transmission system operator;

Amendment

(a) other parties, following an open and transparent tendering procedure, have not expressed their interest to own, control, manage or operate such facilities offering storage to the transmission system operator;

Or. en

Amendment 1101

Ashley Fox

Proposal for a directive

Article 54 – paragraph 2 – point a

Text proposed by the Commission

(a) other parties, following an open and transparent tendering procedure, ***have not expressed their interest*** to own, control, manage or operate ***such*** facilities ***offering storage*** and/or non-frequency ancillary services to the transmission system operator;

Amendment

(a) other parties, following an open and transparent tendering procedure, ***are not able to provide a viable proposition*** to own, ***develop***, control, manage or operate ***storage*** facilities and/or non-frequency ancillary services to the transmission system operator;

Or. en

Amendment 1102

Massimiliano Salini

Proposal for a directive

Article 54 – paragraph 2 – point a

Text proposed by the Commission

(a) other parties, ***following an open and transparent tendering procedure, have not expressed their interest to own, control, manage or operate such facilities offering storage and/or non-frequency ancillary services to the transmission system operator***;

Amendment

(a) other parties ***cannot provide or do not provide storage and/or ancillary services to the transmission system operator in a cost-efficient manner or in case of innovative projects aimed at promoting the development of new technologies or market mechanisms***;

Or. en

Amendment 1103

Seán Kelly

Proposal for a directive

Article 54 – paragraph 2 – point a

Text proposed by the Commission

(a) other parties, ***following an open***

Amendment

(a) other parties ***cannot or do not***

and transparent tendering procedure, have not expressed their interest to own, control, manage or operate such facilities offering storage and/or non-frequency ancillary services to the transmission system operator;

provide storage and/or non-frequency ancillary services to the transmission system operator in a cost-efficient manner or in case of innovative projects aimed at promoting the development of new technologies.

Or. en

Amendment 1104

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a directive

Article 54 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) such facilities or non-frequency ancillary services are necessary for the transmission system operators to fulfil their obligations under this Directive for the efficient, reliable and secure operation of the transmission system and they are not used to sell electricity to the market; and

deleted

Or. en

Amendment 1105

Ashley Fox

Proposal for a directive

Article 54 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) such facilities or non-frequency ancillary services are ***necessary for*** the transmission system operators to fulfil their obligations under this Directive for the efficient, reliable and secure operation of the transmission system and they are not used to sell electricity to the market; and

(b) such facilities or non-frequency ancillary services are ***used primarily by*** the transmission system operators to fulfil their obligations under this Directive for the efficient, reliable and secure operation of the transmission system ***or to foster innovation that will allow them to better fulfil these obligations in future;*** and they are not used to sell electricity to the

market; and

Or. en

Amendment 1106

Kaja Kallas, Fredrick Federley, Morten Helveg Petersen, Carolina Punset, Pavel Telička

Proposal for a directive

Article 54 – paragraph 2 – point b

Text proposed by the Commission

(b) such facilities or non-frequency ancillary services are necessary for the transmission system operators to fulfil their obligations under this Directive for the efficient, reliable and secure operation of the transmission system and they are not used to sell electricity to the market; and

Amendment

(b) such facilities or non-frequency ancillary services are necessary for the transmission system operators to fulfil their obligations under this Directive for the efficient, reliable and secure operation of the transmission system, ***in particular as an alternative to investments in new grid lines***, and they are not used to sell electricity to the market; and

Or. en

Amendment 1107

Massimiliano Salini

Proposal for a directive

Article 54 – paragraph 2 – point b

Text proposed by the Commission

(b) such facilities ***or non-frequency ancillary services*** are necessary for the transmission system operators to fulfil their obligations under this Directive for the efficient, reliable and secure operation of the transmission system and they are not used to sell electricity to the market; and

Amendment

(b) such facilities are necessary for the transmission system operators to fulfil their obligations under this Directive for the efficient, reliable and secure operation of the transmission system and they are not used to sell electricity to the market; and

Or. en

Amendment 1108
Jaromír Kohlíček

Proposal for a directive
Article 54 – paragraph 2 – point b

Text proposed by the Commission

(b) such facilities or ***non-frequency ancillary services*** are necessary for the transmission system operators to fulfil their obligations under this Directive for the efficient, reliable and secure operation of the transmission system and they are not used to sell electricity to the market; and

Amendment

(b) such facilities or are necessary for the transmission system operators to fulfil their obligations under this Directive for the efficient, reliable and secure operation of the transmission system and they are not used to sell electricity to the market; and

Or. en

Amendment 1109
Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a directive
Article 54 – paragraph 2 – point c

Text proposed by the Commission

(c) ***the regulatory authority has assessed the necessity of such derogation taking into account the conditions under points (a) and (b) of this paragraph and has granted its approval.***

Amendment

deleted

Or. en

Amendment 1110
Hans-Olaf Henkel

Proposal for a directive
Article 54 – paragraph 2 – point c

Text proposed by the Commission

(c) ***the regulatory authority has assessed the necessity of such derogation taking into account the conditions under***

Amendment

deleted

points (a) and (b) of this paragraph and has granted its approval.

Or. en

Amendment 1111
Hans-Olaf Henkel

Proposal for a directive
Article 54 – paragraph 3

Text proposed by the Commission

Amendment

3. *The decision to grant derogation shall be notified to the Agency and the Commission along with relevant information about the request and the reasons for granting the derogation.* *deleted*

Or. en

Amendment 1112
Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a directive
Article 54 – paragraph 3

Text proposed by the Commission

Amendment

3. *The decision to grant derogation shall be notified to the Agency and the Commission along with relevant information about the request and the reasons for granting the derogation.* *deleted*

Or. en

Amendment 1113
Jaromír Kohlíček

Proposal for a directive
Article 54 – paragraph 3

Text proposed by the Commission

3. ***The decision to grant derogation shall be notified to the Agency and the Commission along with relevant information about the request and the reasons for granting the derogation.***

Amendment

3. ***By way of derogation from paragraph 1, Member States may allow transmission system operators to own, manage or operate facilities providing non-frequency ancillary services, if two of the following conditions are fulfilled:***

Or. en

Amendment 1114
Jaromír Kohlíček

Proposal for a directive
Article 54 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. other parties, following an open and transparent tendering procedure, have not expressed their interest to own, control, manage or operate such facilities to the transmission system operator and the NRA has granted its approval;

Or. en

Amendment 1115
Ashley Fox

Proposal for a directive
Article 54 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Articles 35 and 56 shall apply to transmission system operators allowed to engage in ownership, development, operation or management of energy storage facilities.

Or. en

Amendment 1116

Jaromír Kohlíček

Proposal for a directive

Article 54 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. Such facilities are necessary for the transmission system operators to fulfil its obligations under this regulation for the efficient, reliable and secure operation of the transmission system and they are not used to sell electricity to the market; and

Or. en

Amendment 1117

Jaromír Kohlíček

Proposal for a directive

Article 54 – paragraph 3 c (new)

Text proposed by the Commission

Amendment

3c. The regulatory authority has assessed the necessity of such derogation and has granted its approval.

Or. en

Amendment 1118

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a directive

Article 54 – paragraph 4

Text proposed by the Commission

Amendment

4. The transmission system operator shall perform at regular intervals or at least every five years a public consultation **deleted**

for the required storage services in order to assess the potential interest of market parties to invest in such facilities and terminate its own storage activities in case third parties can provide the service in a cost-effective manner.

Or. en

Amendment 1119

Kaja Kallas, Morten Helveg Petersen, Carolina Punset, Pavel Telička

Proposal for a directive

Article 54 – paragraph 4

Text proposed by the Commission

4. The **transmission system operator** shall perform at regular intervals or at least every five years a public consultation for the required storage services in order to assess the potential interest of market parties to invest in such facilities **and terminate its own storage activities in case third parties can provide the service in a cost-effective manner.**

Amendment

4. The **regulatory authority** shall perform at regular intervals or at least every five years **review on the ability for these storage facilities to be tendered and where appropriate** a public consultation for the required storage services in order to assess the potential interest of market parties to invest, **develop, operate or manage** in such facilities. **Where the review or the public consultation indicates that third parties are able to provide a viable proposition to own, develop, operate or manage specific storage facilities, Member States shall ensure that transmission system operators' activities in this regard are phased-out .**

Or. en

Amendment 1120

Ashley Fox

Proposal for a directive

Article 54 – paragraph 4

Text proposed by the Commission

4. **The transmission system operator**

Amendment

4. **Regulatory authorities** shall

shall perform at regular intervals or at least every five years a public consultation ***for the required storage services in order to assess*** the potential interest of market parties to invest ***in*** such facilities ***and terminate its own storage activities in case*** third parties ***can*** provide ***the service in a cost-effective manner***.

perform at regular intervals or at least every five years a public consultation ***in order to support a re-assessment of*** the potential interest of market parties to invest, ***develop, operate or manage*** such facilities. ***In case the public consultation and the national regulatory authority's assessment indicates that*** third parties ***are able to provide a viable proposition to own, develop, operate or manage specific storage facilities, Member States shall ensure that distribution system operators' activities in this regard are phased-out***.

Or. en

Amendment 1121
Kathleen Van Brempt

Proposal for a directive
Article 54 – paragraph 4

Text proposed by the Commission

4. ***The transmission system operator*** shall perform at regular intervals or at least every five years a public consultation for the required storage services in order to assess the potential interest of market parties to invest in such facilities ***and terminate its own storage activities in case third parties can provide the service in a cost-effective manner***.

Amendment

4. ***Member States*** shall perform at regular intervals or at least every five years a public consultation for the required storage services in order to assess the potential interest of market parties to invest in such facilities. ***Where the public consultation indicates that third parties are able to develop, own, manage and operate such facilities at a more reasonable cost, Member States shall ensure that the activities of transmission system operators in this regard are phased out***.

Or. en

Amendment 1122
Flavio Zanonato

Proposal for a directive
Article 54 – paragraph 4

Text proposed by the Commission

Amendment

4. The transmission system operator shall perform at regular intervals or at least every **five** years a public consultation **for the required** storage **services** in order to assess the potential interest of market parties to invest in **such** facilities **and terminate its own storage activities in case third parties can provide the service in a cost-effective manner**.

4. The transmission system operator shall perform at regular intervals or at least every **ten** years a public consultation **on** storage **assets** in order to assess the potential interest of market parties to invest in **new** facilities.

Or. en

Justification

In order to fulfil their responsibility to maintain grid stability as well as to manage the electricity system, TSOs own or operate assets providing ancillary services either as an integral part of the transmission electricity network, or by contrast for their operations. Preventing the ownership and control of such facilities by TSOs will lead to an extremely burdensome process with no tangible benefits for consumers and the market.

Amendment 1123
Massimiliano Salini

Proposal for a directive
Article 54 – paragraph 4

Text proposed by the Commission

Amendment

4. The transmission system operator shall perform at regular intervals or at least every **five** years a public consultation **for the required** storage **services** in order to assess the potential interest of market parties to invest in **such** facilities **and terminate its own storage activities in case third parties can provide the service in a cost-effective manner**.

4. The transmission system operator shall perform at regular intervals or at least every **ten** years a public consultation **on** storage **assets** in order to assess the potential interest of market parties to invest in **new** facilities.

Or. en

Amendment 1124

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

Proposal for a directive

Article 54 – paragraph 4

Text proposed by the Commission

4. ***The transmission system operator*** shall perform at regular intervals or at least every five years a public consultation for the required storage services in order to assess the potential interest of market parties to invest in such facilities ***and terminate its own storage activities in case third parties can provide the service in a cost-effective manner.***

Amendment

4. ***Member States*** shall perform at regular intervals or at least every five years a public consultation for the required storage services in order to assess the potential interest of market parties to invest in such facilities. ***Where the public consultation indicates that third parties are able to own, develop, operate or manage such facilities, Member States shall ensure that the activities of transmission system operators in this regard are phased out.***

Or. en

Amendment 1125

Hans-Olaf Henkel

Proposal for a directive

Article 54 – paragraph 4

Text proposed by the Commission

4. The transmission system operator shall perform at regular intervals or at least every five years a public consultation for the required storage services in order to assess the potential interest of market parties to invest in such facilities ***and terminate its own storage activities in case third parties can provide the service in a cost-effective manner.***

Amendment

4. The transmission system operator shall perform at regular intervals or at least every five years a public consultation for the required storage services in order to assess the potential interest of market parties to invest in such facilities.

Or. en

Amendment 1126

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 54 – paragraph 4

Text proposed by the Commission

4. The transmission system operator shall perform at regular intervals or at least every five years a public consultation for the required storage services in order to assess the potential interest of market parties to invest in such facilities and terminate its own storage activities in case third parties can provide the service in a cost-effective manner.

Amendment

4. The transmission system operator shall perform at regular intervals or at least every five years a public consultation for the required storage ***ancillary and*** services in order to assess the potential interest of market parties to invest in such facilities and terminate its own ***ancillary service and*** storage activities in case third parties can provide the service in a cost-effective manner.

Or. en

Amendment 1127

Jaromír Kohlíček

Proposal for a directive

Article 54 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The decision to grant derogation shall be notified to the Agency and the Commission along with relevant information about the request and the reasons for granting the derogation.

Or. en

Amendment 1128

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

Proposal for a directive

Article 57 – paragraph 5 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) the regulatory authority can take autonomous decisions, independently from any political body, ***and has separate annual budget allocations, with autonomy in the implementation of the allocated budget, and adequate human and financial resources to carry out its duties; and***

(a) the regulatory authority can take autonomous decisions, independently from any political body

Or. en

Justification

The amendment is necessary for pressing reasons relating to the internal logic of the text.

Amendment 1129

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 57 – paragraph 5 – subparagraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) Every 3 years the Commission shall present a report to the European Parliament and the Council on national authorities' compliance with the principle of independence, pursuant to this Article.

Or. en

Justification

Monitoring and reporting are indispensable tools to ensure the effective implementation of the principle of independence.

Amendment 1130

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

Proposal for a directive

Article 57 – paragraph 5 – subparagraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the regulatory authority draws up a draft budget covering the regulatory tasks conferred upon it by this Directive and by related legislative acts, in order to provide the regulatory authority with the human and financial resources it needs to carry out its duties and powers in an effective and efficient manner;

Or. en

Amendment 1131

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

Proposal for a directive

Article 57 – paragraph 5 – subparagraph 1 – point b b (new)

Text proposed by the Commission

Amendment

(bb) the ex-post control of a regulatory authority's annual accounts is performed by an independent auditor;

Or. en

Amendment 1132

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 58 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) facilitating access to the network for new generation capacity and energy storage facilities, in particular removing barriers that could prevent access for new market entrants and of electricity from

(e) facilitating access to the network for new generation capacity and energy storage facilities, *in particular removing barriers that could prevent access for new market entrants, including active*

renewable energy sources;

customers and local energy communities, in particular removing barriers that could prevent access for new market entrants and of electricity from renewable energy sources;

Or. en

Amendment 1133

Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive

Article 58 – paragraph 1 – point e

Text proposed by the Commission

(e) facilitating access to the network for new generation capacity and energy storage facilities, in particular removing barriers that could prevent access for new market entrants and of electricity from renewable energy sources;

Amendment

(e) facilitating access to the network for new generation capacity and energy storage facilities, in particular removing barriers that could prevent access for new market entrants, *including active customers and energy communities undertakings*, and of electricity from renewable energy sources;

Or. en

Justification

For enabling regulatory frameworks for active consumers and energy communities to work, they need to be enforceable and backed by institutional support. However, the national regulatory authority does not currently have any objectives to guarantee that new market actors such as energy communities are able to access the market. The amendment will clarify the general obligation of national regulatory authorities to ensure such actors have access to the market.

Amendment 1134

Cornelia Ernst

Proposal for a directive

Article 58 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) facilitating access to the network for new generation capacity and energy storage facilities , in particular removing barriers that could prevent access for new market entrants and of electricity from renewable energy sources;

(e) facilitating access to the network for new generation capacity and energy storage facilities , in particular removing barriers that could prevent access for new market entrants, ***including active customers and local energy communities***, and of electricity from renewable energy sources;

Or. en

Justification

For enabling regulatory frameworks for active consumers and local energy communities to work, they need to be enforceable and backed by institutional support. However, the national regulatory authority does not currently have any objectives to guarantee that new market actors such as local energy communities are able to access the market. The amendment will clarify the general obligation of national regulatory authorities to ensure such actors have access to the market.

Amendment 1135

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 58 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) ensuring that customers benefit through the efficient functioning of their national market, promoting effective competition and ***helping to ensure*** consumer protection;

(g) ensuring that customers benefit through the efficient functioning of their national market ***and their participation therein is not restricted***, promoting effective competition and ***to guarantee*** consumer protection ***in close cooperation with relevant consumer protection authorities***;

Or. en

Justification

The amendment is necessary for pressing reasons relating to the internal logic of the text.

Amendment 1136

Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive

Article 58 – paragraph 1 – point g

Text proposed by the Commission

(g) ensuring that customers benefit through the efficient functioning of their national market, promoting effective competition and **helping** to ensure consumer protection;

Amendment

(g) ensuring that customers benefit through the efficient functioning of their national market **and their active participation**, promoting effective competition and to ensure consumer protection **in close cooperation with relevant consumer protection authorities**;

Or. en

Justification

For enabling regulatory frameworks for active consumers to work, they need to be enforceable and backed by institutional support. However, the national regulatory authority does not currently have any objectives to guarantee that consumers are still protected and benefit from their active participation in the market.

Amendment 1137

Eugen Freund

Proposal for a directive

Article 58 – paragraph 1 – point g

Text proposed by the Commission

(g) ensuring that customers benefit through the efficient functioning of their national market, promoting effective competition and **helping to ensure** consumer protection;

Amendment

(g) ensuring that customers benefit through the efficient functioning of their national market, promoting effective competition and **ensuring** consumer protection **in close cooperation with relevant consumer protection authorities**;

Or. en

Justification

The amendment is necessary for pressing reasons relating to the internal logic of the text.

Amendment 1138

Cornelia Ernst

Proposal for a directive

Article 58 – paragraph 1 – point g

Text proposed by the Commission

(g) ensuring that customers benefit through the efficient functioning of their national market, promoting effective competition and helping to ensure consumer protection;

Amendment

(g) ensuring that customers benefit through the efficient functioning of their national market, ***including through their active participation***, promoting effective competition and helping to ensure consumer protection;

Or. en

Justification

For enabling regulatory frameworks for active consumers to work, they need to be enforceable and backed by institutional support. However, the national regulatory authority does not currently have any objectives to guarantee that consumers are still protected and benefit from their active participation in the market.

Amendment 1139

Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive

Article 58 – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(ga) ensuring customers benefit from the efficient functioning of national markets overlapping with other electricity markets, and where cross-sectorial issues arise, clarifying competencies among regulators and authorities and ensuring that solutions are cost-efficient;

Or. en

Amendment 1140

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 58 – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(ga) ensuring customers benefit from the efficient functioning of national markets overlapping with other electricity markets, and where cross-sectorial issues arise, clarifying competencies among regulators and authorities to find cost-efficient solutions;

Or. en

Amendment 1141

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 58 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

To ensure meeting their objectives in a way that protects the interest of consumers, National Regulatory Authorities should closely consult and cooperate with all relevant consumer bodies to understand consumers' interest and preferences.

Or. en

Amendment 1142

Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive

Article 59 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) fixing or approving, in accordance with transparent criteria, transmission or distribution tariffs **and** their methodologies;

(a) fixing or approving, in accordance with transparent criteria, **and publishing** transmission or distribution tariffs, their methodologies **and their assumptions**;

Or. en

Justification

The amendment is necessary for pressing reasons relating to the internal logic of the text.

Amendment 1143

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 59 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) fixing or approving, in accordance with transparent criteria, transmission **or** distribution tariffs and their **methodologies**;

(a) fixing or approving, in accordance with transparent criteria, **and publish** transmission **and** distribution tariffs, **their methodologies** and their **assumptions**;

Or. en

Amendment 1144

Pilar del Castillo Vera, Pilar Ayuso, Francesc Gambús

Proposal for a directive

Article 59 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) fixing or approving, in accordance with transparent criteria, transmission or distribution tariffs **and** their methodologies;

(a) fixing or approving, in accordance with transparent criteria, transmission or distribution tariffs **or** their methodologies;

Or. en

Amendment 1145

Theresa Griffin, Carlos Zorrinho, José Blanco López, Soledad Cabezón Ruiz, Clare Moody, Jude Kirton-Darling, Flavio Zanonato, Zigmantas Balčytis

Proposal for a directive

Article 59 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) ensuring that tariffs are reflective of the costs, risks and benefits that each final customer has to the network, including active customers and those engaging in demand response;

Or. en

Amendment 1146

Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive

Article 59 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) ensuring that tariffs are reflective of the costs, risks and benefits that each final customer has to the network, including active customers and those engaging in demand response;

Or. en

Amendment 1147

Zdzisław Krasnodębski, Edward Czesak

Proposal for a directive

Article 59 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) fixing or approving, in accordance with transparent criteria, tariffs for supply

*of electricity for households customers
including energy poor or vulnerable
customers.*

Or. en

Amendment 1148

Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive

Article 59 – paragraph 1 – point a b (new)

Text proposed by the Commission

Amendment

*(ab) ensuring that no exemptions or
discounts on tariffs are given, except
where it reflects the ability to pay of
vulnerable customers and those in fuel
poverty;*

Or. en

Amendment 1149

Pilar del Castillo Vera, Pilar Ayuso, Francesc Gambús

Proposal for a directive

Article 59 – paragraph 1 – point c

Text proposed by the Commission

Amendment

*(c) approving products and
procurement process for non-frequency
ancillary services;*

deleted

Or. en

Amendment 1150

Pilar del Castillo Vera, Pilar Ayuso, Francesc Gambús

Proposal for a directive

Article 59 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) implementing the network codes and Guidelines adopted pursuant to Articles 54 to 57 of the [recast of Regulation 714/2009 as proposed by COM(2016)861/2] through national measures or, where so required, coordinated regional or Union-wide measures ;

deleted

Or. en

Amendment 1151

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

Proposal for a directive

Article 59 – paragraph 1 – point k

Text proposed by the Commission

Amendment

(k) measuring the performance of the transmission system operators and distribution system operators in relation to the development of a smart grid that promotes energy efficiency and the integration of energy from renewable sources based on a limited set of Union-wide indicators, and publish a national report every 2 years, including recommendations for improvement where necessary;

(k) measuring the performance of the transmission system operators and distribution system operators in relation to the development of a smart grid that promotes energy efficiency and the integration of energy from renewable sources based on a limited set of Union-wide indicators, ***including a 'smartness indicator' for electricity grids*** and publish a national report every 2 years, including recommendations for improvement where necessary;

The Commission is empowered to adopt delegated acts with a definition of 'smartness indicator'. The smartness indicator shall in particular cover the volume of curtailed energy disaggregated per type of generation source, the amount of substations remotely monitored and controlled in real-time, and the amount of lines operated under dynamic line ratings.

Or. en

Amendment 1152

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 59 – paragraph 1 – point k

Text proposed by the Commission

(k) measuring the performance of the **transmission system operators and distribution system operators** in relation to the development of a smart grid that **promotes** energy efficiency and the integration of **energy from renewable sources** based on a limited set of Union-wide indicators, **and publish a national report every 2 years, including recommendations for improvement where necessary;**

Amendment

(k) **details** measuring the performance of the **TSOs and DSOs** in relation to the development of a smart grid that **promote** energy efficiency and the integration of **RES** based on a limited set of Union-wide indicators, **which should at least include:**

Or. en

Amendment 1153

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 59 – paragraph 1 – point k a (new)

Text proposed by the Commission

Amendment

(ka) • **Volume of curtailed energy in MWh, disaggregated per type of generation source;**

• **Percentage of substations remotely monitored and controlled in real-time;**

• **Percentage of kilometres of lines operated under dynamic line ratings;**

• **Losses in high, medium and low-voltage grids;**

• **System Average Interruption Frequency Index (SAIFI);**

• ***System Average Interruption Duration Index (SAIDI)***

These indicators should be published in a national report every 2 years, together with recommendations for improvement where necessary;

Or. en

Amendment 1154

Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive

Article 59 – paragraph 1 – point n

Text proposed by the Commission

(n) monitoring the level and effectiveness of market opening and competition at wholesale and retail levels, including on electricity exchanges, prices for household customers including prepayment systems, switching rates, disconnection rates, charges for and the execution of maintenance services, and complaints by household customers, as well as any distortion or restriction of competition, including providing any relevant information, and bringing any relevant cases to the relevant competition authorities;

Amendment

(n) ***actively*** monitoring the level and effectiveness of market opening and competition at wholesale and retail levels, including on electricity exchanges, prices for household customers including prepayment systems ***and dynamic price contracts, , the relationship between household prices and wholesale prices, how network costs and policy levies are passed through to customers, the evolution of supplier operational costs and margins across different final customer groups, including household and non-household customers, the number of tariffs available to different consumer groups, including by payment methods, number of offers restricted to different sales channels, number of customers on bundled contracts, satisfaction with the service provided by their supplier and complaint handling services, switching rates, intra-supplier switching rates, switching times, erroneous switching, satisfaction with the switching process,*** disconnection rates, charges for and the execution of maintenance services, ***number of final customers in contracts with aggregators, number of disconnections and reasons for***

disconnections and customers in debt number of customers in fuel poverty or vulnerable situations, and complaints by household customers, as well as any distortion or restriction of competition, including providing any relevant information, and bringing any relevant cases to the relevant competition or consumer authorities, share of energy efficiency measures (under Article 7a and 7b of the Energy Efficiency Directive) implemented as a priority in households affected by energy poverty and in social housing;

Or. en

Justification

The amendment is necessary for pressing reasons relating to the internal logic of the text.

Amendment 1155

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 59 – paragraph 1 – point n

Text proposed by the Commission

(n) monitoring the level and effectiveness of market opening and competition at wholesale and retail levels, including on electricity exchanges, prices for household customers including prepayment systems, switching rates, disconnection rates, charges for and the execution of maintenance services, **and** complaints by household customers, as well as any distortion or restriction of competition, including providing any relevant information, and bringing any relevant cases to the relevant competition authorities;

Amendment

(n) **actively** monitoring the level and effectiveness of market opening and competition at wholesale and retail levels, including on electricity exchanges, prices for household customers including prepayment systems, **and dynamic price contracts, price spikes and their impact on retail and consumer prices,** switching rates, **including collective switching,** disconnection rates, charges for and the execution of maintenance services, **number of final customers in contracts with aggregators, barriers to the exercise of the activities listed in Article 15 (1)(a), and acting on** complaints by household customers, as well as any distortion or

restriction of competition, including providing any relevant information, and bringing any relevant cases to the relevant competition *or consumer* authorities;
share of energy efficiency measures (under Article 7a and 7b of the Energy Efficiency Directive) implemented as a priority in households affected by energy poverty and in social housing;

Or. en

Justification

The amendment is necessary for pressing reasons relating to the internal logic of the text.

Amendment 1156

Theresa Griffin, Carlos Zorrinho, José Blanco López, Soledad Cabezón Ruiz, Clare Moody, Jude Kirton-Darling, Zigmantas Balčytis

Proposal for a directive

Article 59 – paragraph 1 – point n

Text proposed by the Commission

(n) monitoring the level and effectiveness of market opening and competition at wholesale and retail levels, including on electricity exchanges, prices for household customers including prepayment systems, switching rates, disconnection rates, charges for and the execution of maintenance services, ***and*** complaints by household customers, as well as any distortion or restriction of competition, including providing any relevant information, and bringing any relevant cases to the relevant competition authorities;

Amendment

(n) ***actively*** monitoring the level and effectiveness of market opening and competition at wholesale and retail levels, including on electricity exchanges, prices for household customers including prepayment systems, ***dynamic price contracts and the benefits from the use of smart meters***, switching rates, disconnection rates, charges for and the execution of maintenance services, ***the relationship between household and wholesale prices, the evolution of grid tariffs and levies***, complaints by household customers, as well as any distortion or restriction of competition, including providing any relevant information, and bringing any relevant cases to the relevant competition authorities;

Or. en

Justification

The amendment is necessary for pressing reasons relating to the internal logic of the text.

Amendment 1157

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

Proposal for a directive

Article 59 – paragraph 1 – point n

Text proposed by the Commission

(n) monitoring the level and effectiveness of market opening and competition at wholesale and retail levels, including on electricity exchanges, prices for household customers including prepayment systems, switching rates, disconnection rates, charges for and the execution of maintenance services, and complaints by household customers, as well as any distortion or restriction of competition, including providing any relevant information, and bringing any relevant cases to the relevant competition authorities;

Amendment

(n) monitoring the level and effectiveness of market opening and competition at wholesale and retail levels, including on electricity exchanges, prices for household customers including prepayment systems, ***dynamic price contracts and benefits from the use of smart meter***, switching rates, disconnection rates, charges for and the execution of maintenance services, ***the relationship between household and wholesale prices, the evolution of grid tariffs and levies*** and complaints by household customers, as well as any distortion or restriction of competition, including providing any relevant information, and bringing any relevant cases to the relevant competition authorities;

Or. en

Justification

The amendment is necessary for pressing reasons relating to the internal logic of the text.

Amendment 1158

Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive

Article 59 – paragraph 1 – point n

Text proposed by the Commission

(n) ***monitoring the*** level and effectiveness of market opening and competition at wholesale and retail levels, including on electricity exchanges, prices for household customers including prepayment systems, switching rates, disconnection rates, charges for and the execution of maintenance services, ***and*** complaints by household customers, as well as any distortion or restriction of competition, including providing any relevant information, and bringing any relevant cases to the relevant competition authorities;

Amendment

(n) ***ensuring an adequate*** level and effectiveness of market opening and competition at wholesale and retail levels, including on electricity exchanges. ***Seeing that*** prices for household customers including prepayment systems, switching rates, disconnection rates, charges for and the execution of maintenance services ***are fair and proportionate. Taking the necessary measure in view of removing barriers to becoming an active customer, acting on*** complaints by household customers, as well as ***addressing*** any distortion or restriction of competition, including ***by*** providing any relevant information, and bringing any relevant cases to the relevant competition authorities;

Or. en

Justification

National regulatory authorities must ensure that the rights of active consumers are respected and properly enforced. National regulatory authorities should also be required to protect competition in the electricity markets, acting in coordination with national competition authorities.

Amendment 1159
Cornelia Ernst

Proposal for a directive
Article 59 – paragraph 1 – point n

Text proposed by the Commission

(n) monitoring the level and effectiveness of market opening and competition at wholesale and retail levels, including on electricity exchanges, prices for household customers including prepayment systems, switching rates, disconnection rates, charges for and the

Amendment

(n) monitoring the level and effectiveness of market opening and competition at wholesale and retail levels, including on electricity exchanges, prices for household customers including prepayment systems, switching rates, disconnection rates, charges for and the

execution of maintenance services, and complaints by household customers, as well as any distortion or restriction of competition, including providing any relevant information, and bringing any relevant cases to the relevant competition authorities;

execution of maintenance services, ***barriers to becoming an active customer***, and complaints by household customers, as well as any distortion or restriction of competition, including providing any relevant information, and bringing any relevant cases to the relevant competition authorities;

Or. en

Justification

The amendment is necessary for pressing reasons relating to the internal logic of the text.

Amendment 1160

Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive

Article 59 – paragraph 1 – point n a (new)

Text proposed by the Commission

Amendment

(na) monitoring how well the interest of household customers are protected, including :

- the level of debt, in particular for those in fuel poverty and vulnerable situation,***
- the barriers for customers to exercise their rights, including access to information on out-of-court dispute settlement,***
- ease to access, assess and act to the market, including ease to access the information necessary to compare offers,***
- whether consumers are switching to a better deal for them, ☐***
- the existence of misleading offers or marketing practices, ☐***
- if consumers are benefiting from bundled offers when compared to having contracts for each product separately, including economic, environmental and***

social benefits, and from aggregators and dynamic price contract services, □

- existing measures to promote energy savings in households affected by energy poverty, in social housing as well as for tenants, □*
- the functioning of the datasets established to identify customers in energy poverty, and □*
- the application of changes of terms and conditions, including price increases, of existing contracts, and how the final customer is informed about the changes;*

Or. en

Amendment 1161

Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive

Article 59 – paragraph 1 – point n b (new)

Text proposed by the Commission

Amendment

(nb) monitoring how consumers are benefiting or dis-benefiting from dynamic price tariffs and offers, including whether they receive clear, relevant and complete information to accurately assess the risks and opportunities of entering in a dynamic price contract and whether the contract is suitable for them, and whether cross-subsidies, differences in quality of service or in consumer protection levels exist between those on a dynamic price contract and a non-dynamic price contract;

Or. en

Amendment 1162

Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive
Article 59 – paragraph 1 – point n c (new)

Text proposed by the Commission

Amendment

(nc) monitoring how consumers are benefiting or dis-benefiting from dynamic price tariffs and offers, including whether they receive clear, relevant and complete information to accurately assess the risks and opportunities of entering in a dynamic price contract and whether the contract is suitable for them, and whether cross-subsidies, differences in quality of service or in consumer protection levels exist between those on a dynamic price contract and a non-dynamic price contract;

Or. en

Amendment 1163
Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive
Article 59 – paragraph 1 – point n d (new)

Text proposed by the Commission

Amendment

(nd) ensure, or advice all relevant authorities, that marketing information to customers in relation to their energy consumption, generation, storage and management, including from dynamic price contracts and aggregators, are accurate, clear, and complete, that they include information on the risks associated with such contract and what is required to benefit from the offers,

Or. en

Amendment 1164
Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive
Article 59 – paragraph 1 – point n e (new)

Text proposed by the Commission

Amendment

(ne) ensure that contract terms and conditions of electricity related contracts, including the supply of electricity, energy efficiency management and aggregation services, are fair, are in line with consumer protection legislation, and do not create market segmentation that would lead to negative outcomes for certain consumers groups;

Or. en

Amendment 1165
Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive
Article 59 – paragraph 1 – point n f (new)

Text proposed by the Commission

Amendment

(nf) ensure that there are no subsidies from consumers with no dynamic price contracts to those on a dynamic price contract, and that non-dynamic price contracts are available to final customers;

Or. en

Amendment 1166
Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive
Article 59 – paragraph 1 – point n g (new)

Text proposed by the Commission

Amendment

(ng) ensure that at least one independent comparison tool is available to and accessible for all customers, including those without internet access,

allowing customers to assess whether different offers and contracts are suitable and beneficial to them, including bundled offers, price dynamic contracts and offers by aggregators;

Or. en

Amendment 1167

Piernicola Pedicini, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 59 – paragraph 1 – point n h (new)

Text proposed by the Commission

Amendment

(nh) ensure that retail prices are affordable and reflective of wholesale prices trends for all consumer groups paying different tariff levels, including by payment methods;

Or. en

Amendment 1168

Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive

Article 59 – paragraph 1 – point n i (new)

Text proposed by the Commission

Amendment

(ni) monitoring how consumers are benefiting or dis-benefiting from the smart meter roll out in comparison to its expected outcomes, including accuracy and timeliness of billing, ease of access data , speed and reliability of the switching process, speed and accuracy of final billing, interoperability, savings achieved through lower consumption and satisfaction with the smart meter rollout

Or. en

Amendment 1169

Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive

Article 59 – paragraph 1 – point n j (new)

Text proposed by the Commission

Amendment

(nj) ensuring that customers with dynamic price contract are not exposed to high bills, including ensuring that they are protected in case that the equipment and switching that allows them to gain in efficiency and shift loads is not functioning.

Or. en

Amendment 1170

Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive

Article 59 – paragraph 1 – point n k (new)

Text proposed by the Commission

Amendment

(nk) coordinating at the EU level to develop a methodology for comparison tools that allows customers to compare dynamic price contracts and bundled offers in an objective and easily understandable way;

Or. en

Amendment 1171

Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive

Article 59 – paragraph 1 – point n l (new)

Text proposed by the Commission

Amendment

(nl) advising, in consultation with consumer bodies, the independent competent authority responsible for certifying comparison tools on how the tools can best deliver for energy customers, including on the accuracy and robustness of the comparison results, on the inclusion of bundled offers, aggregators, collective switching and dynamic price contracts, on the ease of comparison, on the clarity of the information displayed, and on avoiding undue bias on the way comparison results are displayed;

Or. en

Amendment 1172

Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive

Article 59 – paragraph 1 – point n m (new)

Text proposed by the Commission

Amendment

(nm) set minimum binding requirements for offers to be labelled as ‘green electricity’ contracts, based on the ability of suppliers to substantiate the additionality of the contract by showing how consumers’ money is used to increase installed capacity of renewable power plants beyond what would otherwise be installed;

Or. en

Amendment 1173

Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive

Article 59 – paragraph 1 – point n n (new)

Text proposed by the Commission

Amendment

(nn) advising, in consultation with consumer bodies, the independent competent authority responsible for certifying comparison tools on how ‘green tariffs’ should be displayed and searchable according to their level of additionality.

Or. en

Amendment 1174

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 59 – paragraph 1 – point o

Text proposed by the Commission

Amendment

(o) monitoring the occurrence of restrictive contractual practices, including exclusivity clauses which may prevent large non-household customers from contracting simultaneously with more than one supplier or restrict their choice to do so, and, where appropriate, informing the national competition authorities of such practices;

(o) monitoring the occurrence of restrictive contractual practices, including exclusivity clauses which may prevent ***household customers to contract with an aggregator or other electricity service provider, or*** large non-household customers from contracting simultaneously with more than one supplier or restrict their choice to do so, and, where appropriate, informing the national competition, ***consumer or other relevant*** authorities of such practices;

Or. en

Amendment 1175

Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive

Article 59 – paragraph 1 – point o

Text proposed by the Commission

(o) monitoring the occurrence of restrictive contractual practices, including exclusivity clauses which may prevent large non-household customers from contracting simultaneously with more than one supplier or restrict their choice to do so, and, where appropriate, informing the national competition authorities of such practices;

Amendment

(o) monitoring the occurrence of restrictive contractual practices, including exclusivity clauses which may prevent ***household customers to contract with an aggregator or other electricity service provider, or*** large non-household customers from contracting simultaneously with more than one supplier or restrict their choice to do so, and, where appropriate, informing the national competition authorities of such practices;

Or. en

Amendment 1176

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

Proposal for a directive

Article 59 – paragraph 1 – point o

Text proposed by the Commission

(o) monitoring the occurrence of restrictive contractual practices, including exclusivity clauses which may prevent ***large non-household*** customers from contracting simultaneously with more than one supplier or restrict their choice to do so, and, where appropriate, informing the national competition authorities of such practices;

Amendment

(o) monitoring the occurrence of restrictive contractual practices, including exclusivity clauses which may prevent customers from contracting simultaneously with more than one supplier or restrict their choice to do so, and, where appropriate, informing the national competition authorities of such practices;

Or. en

Amendment 1177

Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive

Article 59 – paragraph 1 – point o a (new)

Text proposed by the Commission

Amendment

(oa) monitoring the dealings of active consumers (as per Article 15 of this Directive) and renewable self-consumption (as per Article 22 of (recast) [Renewable Energy Directive], including how many consumers and groups of consumers have generation and/or storage installed in their premises, how easy is to access information and advice for them or those wishing to install generation or storage, level of fees and charges for the electricity self-consumed and for the electricity fed into the grid, level of remuneration of electricity fed into the grid, proportion of energy self-consumed, fed into the grid and consumed from the grid;

Or. en

Amendment 1178

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 59 – paragraph 1 – point o a (new)

Text proposed by the Commission

Amendment

(oa) monitoring and reporting on consumer participation, and the availability and potential of flexibility, in the energy system

Or. en

Amendment 1179

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 59 – paragraph 1 – point o b (new)

(ob) ensure that at least one independent comparison tool is available to and accessible for all customers, including those without internet access, allowing customers to assess whether different offers and contracts are suitable and beneficial to them, including bundled offers, price dynamic contracts and offers by aggregators; exchanging best practices at EU level

Or. en

Amendment 1180

Theresa Griffin, Carlos Zorrinho, José Blanco López, Soledad Cabezón Ruiz, Clare Moody, Jude Kirton-Darling, Patrizia Toia, Peter Kouroumbashev, Flavio Zanonato, Zigmantas Balčytis, Isabella De Monte

Proposal for a directive

Article 59 – paragraph 1 – point q

Text proposed by the Commission

Amendment

(q) helping to ensure, together with other relevant authorities, that the consumer protection measures are effective and enforced;

(q) helping to ensure, together with other relevant authorities, that the **new and existing** consumer protection measures, **including rights of active customers and, in particular, final household customers** are effective and enforced;

Or. en

Amendment 1181

Cornelia Ernst

Proposal for a directive

Article 59 – paragraph 1 – point q

Text proposed by the Commission

Amendment

(q) helping to ensure, together with other relevant authorities, that the

(q) helping to ensure, together with other relevant authorities, that the **new and**

consumer protection measures are effective and enforced;

existing consumer protection measures, ***including rights of active customers***, are effective and enforced;

Or. en

Amendment 1182

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 59 – paragraph 1 – point q

Text proposed by the Commission

(q) helping to ensure, together with other relevant authorities, that the consumer protection measures are effective and enforced;

Amendment

(q) helping to ensure, together with other relevant authorities, that the ***new and existing*** consumer protection measures, ***including rights of active customers***, are effective and enforced;

Or. en

Amendment 1183

Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive

Article 59 – paragraph 1 – point q

Text proposed by the Commission

(q) ***helping to*** ensure, together with other relevant authorities, that the consumer protection measures are effective and enforced;

Amendment

(q) ensure, together with other relevant authorities, that the ***new and existing*** consumer protection measures, ***including rights of active customers***, are effective and enforced;

Or. en

Justification

As part of their monitoring duties, national regulatory authorities need to oversee whether the rights of active consumers are respected. Furthermore, national regulatory authorities need to be able to oversee the markets for active customers as they further develop. However, it is

very important that focus on improving enforcement of existing consumer protection rights be maintained.

Amendment 1184

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 59 – paragraph 1 – point r a (new)

Text proposed by the Commission

Amendment

(ra) set minimum binding requirements for offers to be labelled as ‘green electricity’ contracts, based on the ability of suppliers to substantiate the additionality of the contract by showing how consumers’ money is used to increase installed capacity of renewable power plants beyond what would otherwise be installed;

Or. en

Amendment 1185

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

Proposal for a directive

Article 59 – paragraph 1 – point s

Text proposed by the Commission

Amendment

(s) ensuring access to customer consumption data, the provision, for optional use, of an easily understandable harmonised format at national level for consumption data, and prompt access for all customers to such data pursuant to Articles 23 and 24 ;

(s) ensuring **non-discriminatory** access to customer consumption data, the provision, for optional use, of an easily understandable harmonised format at national level for consumption data, and prompt access for all customers to such data pursuant to Articles 23 and 24 ;

Or. en

Justification

The amendment is necessary for pressing reasons relating to the internal logic of the text.

Amendment 1186

Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive

Article 59 – paragraph 1 – point t a (new)

Text proposed by the Commission

Amendment

(ta) monitor market access for energy communities undertakings, including the number of existing energy communities undertakings, regulatory barriers that prevent market access or participation in different activities, their equal treatment, their impact on competition and consumer protection, and the benefits they provide, including for vulnerable consumers and households experiencing energy poverty.

Or. en

Justification

For enabling regulatory frameworks for energy communities to work, they need to be enforceable and backed by institutional support. However, the activities that energy communities undertake is diverse, and they face significant regulatory and market barriers that are not well understood or acknowledged by national energy regulators. Therefore, there is a need for national regulators to monitor provisions on energy communities as national markets develop. The package proposes no such duties for regulators, leaving a large gap when it comes to implementing and enforcing EU rules on market access and a level playing field for energy communities. Such activities will be necessary, however, to prevent discrimination, ensure competition, and guarantee respect for consumer rights – both active and non-active – generally.

Amendment 1187

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

Proposal for a directive

Article 59 – paragraph 1 – point x

Text proposed by the Commission

(x) monitoring the availability of comparison ***websites***, including comparison ***tools*** that fulfil the criteria set out in Article 14 and Annex I.

Amendment

(x) monitoring the availability of comparison ***tools***, including comparison ***websites, apps and other interactive means*** that fulfil the criteria set out in Article 14 and Annex I.

Or. en

Amendment 1188

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 59 – paragraph 1 – point x a (new)

Text proposed by the Commission

Amendment

(xa) monitoring the dealings of active consumers (as per Article 15 of this Directive) and renewable self-consumption (as per Article 22 of (recast) [Renewable Energy Directive], including how many consumers and groups of consumers have generation and/or storage installed in their premises, how easy is to access information and advice for them or those wishing to install generation or storage, level of fees and charges for the electricity self-consumed and for the electricity fed into the grid, level of remuneration of electricity fed into the grid, proportion of energy self-consumed, fed into the grid and consumed from the grid

Or. en

Amendment 1189

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive
Article 59 – paragraph 1 – point x b (new)

Text proposed by the Commission

Amendment

(xb) monitor market access for local energy communities (as per Article 16 of this Directive), including the number of existing local energy communities, economic, competitive and regulatory barriers that prevent market access or participation in different activities, their equal treatment, their impact on competition and consumer protection, and the benefits they provide, including to vulnerable consumers and households experiencing energy poverty.

Or. en

Amendment 1190
Cornelia Ernst

Proposal for a directive
Article 59 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. monitor market access for local energy communities, including the number of existing local energy communities, regulatory barriers that prevent market access or participation in different activities, their equal treatment, their impact on competition and consumer protection, and the benefits they provide, including to vulnerable consumers and households experiencing energy poverty.

Or. en

Amendment 1191
Pilar del Castillo Vera, Pilar Ayuso, Francesc Gambús

Proposal for a directive
Article 59 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The duties set in paragraph 1. a) are without prejudice of the competence of Member States to set energy policies, orientations and targets, as well as the remuneration methodology of the different activities and to verify the compliance of network tariffs with the established policy objectives and regulations.

Or. en

Amendment 1192
Krišjānis Kariņš

Proposal for a directive
Article 59 – paragraph 3 – point d

Text proposed by the Commission

Amendment

(d) to impose effective, proportionate and dissuasive penalties on electricity undertakings not complying with their obligations under this Directive or any relevant legally binding decisions of the regulatory authority or of the Agency, or to propose that a competent court impose such penalties. This shall include the power to impose or propose the imposition of penalties of up to 10 % of the annual turnover of the transmission system operator on the transmission system operator or of up to 10 % of the annual turnover of the vertically integrated undertaking on the vertically integrated undertaking, as the case may be, for non-compliance with their respective obligations pursuant to this Directive; and

(d) ***at own initiative or upon request from the Agency to enforce its binding decisions,*** to impose effective, proportionate and dissuasive penalties on electricity undertakings, ***ENTSO of Electricity or regional coordination centres,*** not complying with their obligations under this Directive, ***[Recast of Regulation as proposed by COM (2016) 861/2],*** or any relevant legally binding decisions of the regulatory authority or of the Agency, or to propose that a competent court impose such penalties. This shall include the power to impose or propose the imposition of penalties of up to 10 % of the annual turnover of the transmission system operator on the transmission system operator or of up to 10 % of the annual turnover of the vertically integrated undertaking on the vertically integrated undertaking, as the case may be, for non-compliance with their respective

obligations pursuant to this Directive; and

Or. en

Justification

The amendment to the basic act is necessary in order to ensure coherence between the amendments as the amendment is inextricably linked to other amendments tabled by the rapporteur.

Amendment 1193

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 59 – paragraph 3 – point d

Text proposed by the Commission

(d) to impose effective, proportionate and dissuasive penalties on electricity undertakings not complying with their obligations under *this Directive* or any relevant legally binding decisions of the regulatory authority or of the Agency, or to propose that a competent court impose such penalties. This shall include the power to impose or propose the imposition of penalties of up to 10 % of the annual turnover of the transmission system operator on the transmission system operator or of up to 10 % of the annual turnover of the vertically integrated undertaking on the vertically integrated undertaking, as the case may be, for non-compliance with their respective obligations pursuant to this Directive; and

Amendment

(d) to impose effective, proportionate and dissuasive penalties on electricity undertakings not complying with their obligations under *Union legislation* or any relevant legally binding decisions of the regulatory authority or of the Agency, or to propose that a competent court impose such penalties. This shall include the power to impose or propose the imposition of penalties of up to 10 % of the annual turnover of the transmission system operator on the transmission system operator or of up to 10 % of the annual turnover of the vertically integrated undertaking on the vertically integrated undertaking, as the case may be, for non-compliance with their respective obligations pursuant to this Directive; and

Or. en

Justification

The amendment is necessary for pressing reasons relating to the internal logic of the text.

Amendment 1194

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 59 – paragraph 5 – point h a (new)

Text proposed by the Commission

Amendment

(ha) to monitor the cooperation between the transmission system operator and regional operational centres so as to ensure compliance of transmission system operators with their obligations

Or. en

Amendment 1195

Zdzisław Krasnodebski, Edward Czesak

Proposal for a directive

Article 59 – paragraph 6 – introductory part

Text proposed by the Commission

Amendment

6. The regulatory authorities shall , except in cases where the Agency is competent to fix and approve the terms and conditions or methodologies for the implementation of network codes and guidelines under Chapter VII of [recast of Regulation 714/2009 as proposed by COM(2016)861/2] pursuant to Article 5(2) of [recast of Regulation 713/2009 as proposed by COM(2016)863/2] because of their coordinated nature, be responsible for **fixing or** approving sufficiently in advance of their entry into force at least the national methodologies used to calculate or establish the terms and conditions for:

6. The regulatory authorities shall , except in cases where the Agency is competent to fix and approve the terms and conditions or methodologies for the implementation of network codes and guidelines under Chapter VII of [recast of Regulation 714/2009 as proposed by COM(2016)861/2] pursuant to Article 5(2) of [recast of Regulation 713/2009 as proposed by COM(2016)863/2] because of their coordinated nature, be responsible for approving sufficiently in advance of their entry into force at least the national methodologies used to calculate or establish the terms and conditions for:

Or. en

Amendment 1196

Paul Rübig

Proposal for a directive
Article 59 – paragraph new8

Text proposed by the Commission

Amendment

8. *With a view to increasing transparency in the market and provide to all interested parties all necessary information, decisions or proposals for a decision concerning transmission and distribution tariffs as referred in Article 60(3), regulatory authorities shall make available to market parties the detailed methodology and underlying costs used for the calculation of the relevant network tariffs.*

deleted

Or. en

Justification

In Austria, the statutory interest representatives of the end consumers are already involved as legal parties in the cost-determination process. A further expansion of would e.g. in this case be contrary to the protection of business and company secrets.

Amendment 1197

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive
Article 59 – paragraph new8

Text proposed by the Commission

Amendment

8. With a view to increasing transparency in the market and provide to all interested parties all necessary information, decisions or proposals for a decision concerning transmission and distribution tariffs as referred in Article 60(3), regulatory authorities shall **make available to** market parties the detailed methodology and underlying **costs** used for the calculation of the relevant network tariffs.

8. With a view to increasing transparency in the market and provide to all interested parties all necessary information, decisions or proposals for a decision concerning transmission and distribution tariffs as referred in Article 60(3), regulatory authorities shall **publish in an accessible manner for all citizens and** market parties the detailed methodology and underlying **assumptions** used for the calculation of the relevant

network tariffs. *Such methodology shall ensure that environmental, social and economic benefits deriving from customers' activities are reflected in network tariffs. The methodology shall include a cost benefit analysis of locational benefits and costs of distributed energy resources located on the distribution system, including reductions or increases in local generation capacity needs, avoided or increased investments in distribution infrastructure, safety benefits, reliability benefits, and any other savings the distributed energy resources provide to the grid or costs to final customers. The methodology shall include a cost-benefit analysis, based on open and participatory procedure, aiming at identifying the value added by active final customers to the grid, and the contribution of distributed energy resources to objectives of general interest*

Or. en

Justification

In developing their methodologies and underlying assumptions, or costs, upon which grid tariffs are developed for active customers, national regulatory authorities should be required to assess the potential value of self-consumption, particularly when combined a more holistic context along with other flexible technologies such as storage and demand response. This valuation should look not only at costs but also at the benefits to the grid (e.g. their contribution to avoided costs related to grid upgrades for the DSO, and reduced transmission losses), society (e.g. public health, better air quality) and the environment (e.g. avoided CO2 emissions).

Amendment 1198

Cornelia Ernst

Proposal for a directive Article 59 – paragraph 8

Text proposed by the Commission

8. With a view to increasing transparency in the market and provide to

Amendment

8. With a view to increasing transparency in the market and provide to

all interested parties all necessary information, decisions or proposals for a decision concerning transmission and distribution tariffs as referred in Article 60(3), regulatory authorities shall **make available** to market parties the detailed methodology and underlying costs used for the calculation of the relevant network tariffs.

all interested parties all necessary information, decisions or proposals for a decision concerning transmission and distribution tariffs as referred in Article 60(3), regulatory authorities shall **publish** to market parties the detailed methodology and underlying costs used for the calculation of the relevant network tariffs **as well as the respective decisions and calculations itself. In view of the determination of the network tariffs, as provided for by Article 15 paragraph (1) point (b) and Article 16 (paragraph 5 point c), the regulatory authority shall carry out a cost-benefit analysis, following an open and participatory procedure. Such analysis shall quantify the social, economic and environmental benefits of distributed energy resources in light of the objective of their development and integration in the network.**

Or. en

Justification

In developing their methodologies and underlying assumptions, or costs, upon which grid tariffs are developed for active customers, national regulatory authorities should be required to assess the potential value of self-consumption, particularly when combined a more holistic context along with other flexible technologies such as storage and demand response. This valuation should look not only at costs but also of benefits to the grid (e.g. their contribution to avoided costs related to grid upgrades for the DSO, and reduced transmission losses), society (e.g. public health) and the environment (e.g. avoided CO2 emissions).

Amendment 1199

Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive

Article 59 – paragraph new8

Text proposed by the Commission

8. With a view to increasing transparency in the market and provide to all interested parties all necessary information, decisions or proposals for a

Amendment

8. With a view to increasing transparency in the market and provide to all interested parties all necessary information, decisions or proposals for a

decision concerning transmission and distribution tariffs as referred in Article **60(3)**, regulatory authorities shall **make available to** market parties the detailed methodology and underlying **costs** used for the calculation of the relevant network tariffs.

decision concerning transmission and distribution tariffs as referred in Article **60(12)**, regulatory authorities shall **publish in an accessible manner for all citizens and** market parties the detailed methodology and underlying **assumptions** used for the calculation of the relevant network tariffs, **which shall include a cost benefit analysis for distributed energy resources. This analysis shall ensure that network tariffs reflect the benefits deriving from the integration of final customers' activities in the grid, and that the tariffs are not set at a level that unduly hampers the development of such activities.**

Or. en

Justification

Network tariffs should be determined on an objective basis and in accordance with a transparent cost benefit analysis. In any case, they should not be set at levels that undermines the development of energy citizenship.

Amendment 1200

Carolina Punset, Gerben-Jan Gerbrandy

Proposal for a directive

Article 59 – paragraph new8

Text proposed by the Commission

8. With a view to increasing transparency in the market and provide to all interested parties all necessary information, decisions or proposals for a decision concerning transmission and distribution tariffs as referred in Article 60(3), regulatory authorities shall make available to market parties the detailed methodology and underlying **costs** used for the calculation of the relevant network tariffs.

Amendment

8. With a view to increasing transparency in the market and provide to all interested parties all necessary information, decisions or proposals for a decision concerning transmission and distribution tariffs as referred in Article 60(3), regulatory authorities shall make available to market parties the detailed methodology and underlying **assumptions** used for the calculation of the relevant network tariffs, **which shall include a cost benefit analysis for distributed energy resources, including an assessment of**

their potential value to the grid and the contribution to other energy policy objectives, in particular those provided by active customers and local energy communities.

Or. en

Justification

In developing their methodologies and underlying assumptions or costs, upon which grid tariffs are developed for active customers, national regulatory authorities should be required to assess the potential value of self-consumption, particularly when combined with other flexible technologies such as storage and demand response. This evaluation should look at costs and benefits to the grid (e.g. their contribution to avoided costs related to grid upgrades for the DSO and reduced transmission losses), society (e.g. public health) and the environment (e.g. avoided CO2 emissions)

Amendment 1201

Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive

Article 59 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

9a. National Regulatory Agencies should closely consult and cooperate with all relevant consumer representative bodies and other relevant civil organisation to ensure consumers' and citizens' input in the decision-making.

Or. en

Amendment 1202

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 59 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

9a. National Regulatory Agencies should closely consult and cooperate with all relevant consumer representative bodies to ensure consumers' input in the decision-making.

Or. en

Amendment 1203

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 60 – paragraph 2

Text proposed by the Commission

Amendment

2. Any party having a complaint against a transmission or distribution system operator in relation to that operator's obligations under **this Directive** may refer the complaint to the regulatory authority which, acting as dispute settlement authority, shall issue a decision within a period of two months after receipt of the complaint. That period may be extended by two months where additional information is sought by the regulatory authority. That extended period may be further extended with the agreement of the complainant. The regulatory authority's decision shall have binding effect unless and until overruled on appeal.

2. Any party having a complaint against a transmission or distribution system operator in relation to that operator's obligations under **Union legislation** may refer the complaint to the regulatory authority which, acting as dispute settlement authority, shall issue a decision within a period of two months after receipt of the complaint. That period may be extended by two months where additional information is sought by the regulatory authority. That extended period may be further extended with the agreement of the complainant. The regulatory authority's decision shall have binding effect unless and until overruled on appeal.

Or. en

Justification

The amendment is necessary for pressing reasons relating to the internal logic of the text.

Amendment 1204

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 61 – paragraph 1

Text proposed by the Commission

1. Regulatory authorities shall closely consult and cooperate with each other, in particular within the Agency, and shall provide each other and the Agency with any information necessary for the fulfilment of their tasks under this Directive. In respect of the information exchanged, the receiving authority shall ensure the same level of confidentiality as that required of the originating authority.

Amendment

1. Regulatory authorities shall closely consult and cooperate with each other, in particular within the ***respective regional subgroupings of the*** Agency, and shall provide each other and the Agency with any information necessary for the fulfilment of their tasks under this Directive. In respect of the information exchanged, the receiving authority shall ensure the same level of confidentiality as that required of the originating authority.

Or. en

Amendment 1205

Zdzisław Krasnodębski, Edward Czesak

Proposal for a directive

Article 61 – paragraph 5

Text proposed by the Commission

5. The Commission ***is empowered to*** adopt ***delegated acts in accordance with Article 67 to establish*** guidelines on the extent of the duties of the regulatory authorities to cooperate with each other and with the Agency.

Amendment

5. The Commission ***may*** adopt guidelines on the extent of the duties of the regulatory authorities to cooperate with each other and with the Agency. ***Such measures are designed to amend non-essential elements of this Directive by supplementing it.***

Or. en

Amendment 1206

Zdzisław Krasnodębski, Edward Czesak

Proposal for a directive
Article 62 – title

Text proposed by the Commission

Amendment

Duties and powers of regulatory authorities
with respect to regional ***operational***
centres

Duties and powers of regulatory authorities
with respect to regional ***coordination***
between transmission system operators

Or. en

Amendment 1207
Jerzy Buzek, Marian-Jean Marinescu, Janusz Lewandowski

Proposal for a directive
Article 62 – title

Text proposed by the Commission

Amendment

Duties and powers of regulatory authorities
with respect to regional ***operational***
centres

Duties and powers of regulatory authorities
with respect to regional ***coordination***
between transmission system operators

Or. en

Justification

The main aim of this amendment to adjust the regional operational centres to the already adopted Network Code on System Operation which introduces regional coordination between transmission system operators.

Amendment 1208
Pilar del Castillo Vera, Pilar Ayuso, Francesc Gambús

Proposal for a directive
Article 62 – title

Text proposed by the Commission

Amendment

Duties and powers of ***regulatory***
authorities with respect to regional
operational centres

Duties and powers of ***competent*** authorities
with respect to regional ***coordination***
centres

Or. en

Amendment 1209

Zdzisław Krasnodebski, Edward Czesak

Proposal for a directive

Article 62 – paragraph 1 – introductory part

Text proposed by the Commission

1. The regional regulatory authorities of the geographical area where a regional ***operational centre*** is established shall, in close coordination with each other:

Amendment

1. The regional regulatory authorities of the geographical area where a regional ***security coordinator*** is established shall, in close coordination with each other ***approve the transmission system operators' cooperative decision-making process, proposed by the transmission system operators of such geographical area.***

Or. en

Amendment 1210

Jerzy Buzek, Janusz Lewandowski, Marian-Jean Marinescu

Proposal for a directive

Article 62 – paragraph 1 – introductory part

Text proposed by the Commission

1. The regional regulatory authorities of the geographical area where a regional ***operational centre*** is established shall, in close coordination with each other:

Amendment

1. The regional regulatory authorities of the geographical area where a regional ***security coordinator*** is established shall, in close coordination with each other ***approve the transmission system operators' cooperative decision-making process, proposed by the transmission system operators of such geographical area.***

Or. en

Justification

As RSCs are a form of cooperation between TSOs it is up to TSOs to make a cooperative decision-making process. This process should not be made by regional regulatory authorities.

Amendment 1211

Pilar del Castillo Vera, Pilar Ayuso, Francesc Gambús

Proposal for a directive

Article 62 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. *The regional regulatory* authorities of *the geographical area where* a regional *operational centre is established shall, in close coordination with each other:*

1. *Competent* authorities of *Member States affected by the operation of* a regional coordination *centre shall by agreement:*

Or. en

Amendment 1212

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 62 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) *approve the statutes and rules of procedure;*

deleted

Or. en

Amendment 1213

Zdzisław Krasnodebski, Edward Czesak

Proposal for a directive

Article 62 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) *approve the statutes and rules of procedure;*

deleted

Or. en

Amendment 1214

Martina Werner, Jeppe Kofod, Carlos Zorrinho, Theresa Griffin, Miapetra Kumpula-Natri, Edouard Martin, José Blanco López, Soledad Cabezón Ruiz

Proposal for a directive

Article 62 – paragraph 1 – point a

Text proposed by the Commission

(a) approve the *statutes and rules of procedure*;

Amendment

(a) approve the *proposal for the establishment of regional coordination centres in accordance with Article 32(1) of Regulation(EU) ... [Recast of Regulation as proposed by COM(2016) 861/2]*;

Or. en

Amendment 1215

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

Proposal for a directive

Article 62 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) *approve the statutes and rules of procedure*;

Or. en

Amendment 1216

Zdzisław Krasnodebski, Edward Czesak

Proposal for a directive

Article 62 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) *approve the annual budget*;

deleted

Or. en

Amendment 1217

Jerzy Buzek, Janusz Lewandowski, Marian-Jean Marinescu

Proposal for a directive

Article 62 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) approve the annual budget; **deleted**

Or. en

Justification

As RSCs are a form of cooperation between TSOs it is up to TSOs to make a cooperative decision-making process. This process should not be made by regional regulatory authorities.

Amendment 1218

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 62 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) approve the annual budget; **(b) approve the annual budget *referred to in Article 40(3)(c) [recast of Regulation as proposed by COM (2016)861/2];***

Or. en

Amendment 1219

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 62 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) approve the cooperative decision-making process; **deleted**

Amendment 1220

Zdzisław Krasnodębski, Edward Czesak

Proposal for a directive

Article 62 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) approve the cooperative decision-making process; **deleted**

Amendment 1221

Jerzy Buzek, Janusz Lewandowski, Marian-Jean Marinescu

Proposal for a directive

Article 62 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) approve the cooperative decision-making process; **deleted**

Justification

As RSCs are a form of cooperation between TSOs it is up to TSOs to make a cooperative decision-making process. This process should not be made by regional regulatory authorities.

Amendment 1222

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

Proposal for a directive

Article 62 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) approve the cooperative decision- **(c) approve the cooperative *and***

making process;

inclusive decision-making process;

Or. en

Amendment 1223

Jerzy Buzek, Janusz Lewandowski, Marian-Jean Marinescu

Proposal for a directive

Article 62 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) assess if the regional operational centre has the appropriate competences, resources and impartiality to carry out independently the functions and tasks assigned to it, including security, liability and contingency arrangements; ***deleted***

Or. en

Justification

As RSCs are a form of cooperation between TSOs it is up to TSOs to make a cooperative decision-making process. This process should not be made by regional regulatory authorities.

Amendment 1224

Zdzisław Krasnodebski, Edward Czesak

Proposal for a directive

Article 62 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) assess if the regional operational centre has the appropriate competences, resources and impartiality to carry out independently the functions and tasks assigned to it, including security, liability and contingency arrangements; ***deleted***

Or. en

Amendment 1225

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 62 – paragraph 1 – point d

Text proposed by the Commission

(d) ***assess if*** the regional operational centre has the appropriate competences, resources and impartiality to carry out independently the functions and tasks assigned to it, including security, liability and contingency arrangements;

Amendment

(d) ***ensure*** the regional operational centre has the appropriate competences, resources and impartiality to carry out independently the functions and tasks assigned to it ***independently and in the interest of the system and market operation of the region over the interests of any single entity***, including security, liability and contingency arrangements

Or. en

Amendment 1226

Martina Werner, Flavio Zanonato, Jeppe Kofod, Carlos Zorrinho, Theresa Griffin, Miapetra Kumpula-Natri, Edouard Martin, José Blanco López, Soledad Cabezón Ruiz

Proposal for a directive

Article 62 – paragraph 1 – point d

Text proposed by the Commission

(d) ***assess if*** the regional ***operational*** centre has the appropriate competences, resources and impartiality to carry out independently the functions and tasks assigned to it, including security, liability and contingency arrangements;

Amendment

(d) ***ensure that*** if the regional ***coordination*** centre has the appropriate competences, resources and impartiality to carry out independently the functions and tasks assigned to it, including security, liability and contingency arrangements;

Or. en

Amendment 1227

Jerzy Buzek, Janusz Lewandowski, Marian-Jean Marinescu

Proposal for a directive

Article 62 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) ensure its compliance with the obligations under this Directive and other relevant Union legislation, notably as regards cross-border issues; *deleted*

Or. en

Justification

As RSCs are a form of cooperation between TSOs it is up to TSOs to make a cooperative decision-making process. This process should not be made by regional regulatory authorities.

Amendment 1228

Zdzisław Krasnodebski, Edward Czesak

Proposal for a directive

Article 62 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) ensure its compliance with the obligations under this Directive and other relevant Union legislation, notably as regards cross-border issues; *deleted*

Or. en

Amendment 1229

Jerzy Buzek, Janusz Lewandowski, Marian-Jean Marinescu

Proposal for a directive

Article 62 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) monitor the performance of their functions and report annually to the Agency in this respect. *deleted*

Or. en

Justification

As RSCs are a form of cooperation between TSOs it is up to TSOs to make a cooperative decision-making process. This process should not be made by regional regulatory authorities.

Amendment 1230

Zdzisław Krasnodebski, Edward Czesak

Proposal for a directive

Article 62 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) monitor the performance of their functions and report annually to the Agency in this respect. **deleted**

Or. en

Amendment 1231

Pilar del Castillo Vera, Pilar Ayuso, Francesc Gambús

Proposal for a directive

Article 62 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. Member States shall ensure that **regulatory** authorities are granted the powers enabling them to carry out the duties referred to in paragraph 1 in an efficient and expeditious manner. For this purpose, the **regulatory** authorities shall have at least the following powers:

2. Member States shall ensure that **competent** authorities are granted the powers enabling them to carry out the duties referred to in paragraph 1 in an efficient and expeditious manner. For this purpose, the **competent** authorities shall have at least the following powers:

Or. en

Amendment 1232

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 62 – paragraph 2 – point a

Text proposed by the Commission

- (a) to request information from regional operational centres;

Amendment

- (a) **to deliver a decision** to request information from regional operational centres;

Or. en

Amendment 1233

Zdzisław Krasnodębski, Edward Czesak

Proposal for a directive

Article 62 – paragraph 2 – point a

Text proposed by the Commission

- (a) to request information from regional **operational centres**;

Amendment

- (a) to request information from regional **security coordinators**;

Or. en

Amendment 1234

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 62 – paragraph 2 – point b

Text proposed by the Commission

- (b) to carry out inspections, including unannounced inspections, at the premises of regional operational centres;

Amendment

- (b) to carry out inspections, including unannounced inspections, at the premises of regional operational centres **and investigations**;

Or. en

Amendment 1235

Zdzisław Krasnodębski, Edward Czesak

Proposal for a directive

Article 62 – paragraph 2 – point b

Text proposed by the Commission

(b) to carry out inspections, including unannounced inspections, at the premises of regional ***operational centres***;

Amendment

(b) to carry out inspections, including unannounced inspections, at the premises of regional ***security coordinators***;

Or. en

Amendment 1236

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 62 – paragraph 2 – point c

Text proposed by the Commission

(c) to issue joint binding decisions on regional operational centres.

Amendment

(c) to issue joint binding decisions ***and to impose joint effective, proportionate and dissuasive penalties*** on regional operational centres ***not complying with their obligations under EU law or any relevant legally binding decision of the regional regulatory authorities or of the Agency.***

Or. en

Amendment 1237

Zdzisław Krasnodebski, Edward Czesak

Proposal for a directive

Article 62 – paragraph 2 – point c

Text proposed by the Commission

(c) to issue joint binding decisions ***on*** regional ***operational centres***.

Amendment

(c) to issue joint binding decisions ***regarding the improvement of coordination between transmission system operators within the geographical area where a regional security coordinator is established.***

Or. en

Amendment 1238

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 62 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) to settle dispute arising between regional operational centres or between regional operational centres or between any transmission system operators and regional operational centres

Or. en

Amendment 1239

Martina Werner, Flavio Zanonato, Jeppe Kofod, Carlos Zorrinho, Theresa Griffin, Miapetra Kumpula-Natri, Edouard Martin, José Blanco López, Soledad Cabezón Ruiz

Proposal for a directive

Article 62 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) to settle dispute arising between regional operational centres or between transmission system operators and regional cooperation centres

Or. en

Amendment 1240

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

Proposal for a directive

Article 62 – paragraph 2 – point c b (new)

Text proposed by the Commission

Amendment

(cb) handle complaints against regional operational centre in relation to their obligations under Union law

Or. en

Amendment 1241

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 62 – paragraph 2 – point c b (new)

Text proposed by the Commission

Amendment

(cb) handle complaints against regional operational centre in relation to their obligations under Union law

Or. en

Amendment 1242

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 62 – paragraph 2 – point c c (new)

Text proposed by the Commission

Amendment

(cc) Regulatory authorities shall cooperate and consult with each other and with the Agency, and shall provide each other and the Agency with any information necessary for the fulfilment of their tasks under this Article.

The regional regulatory authorities of the geographical area where a regional operational centre is established may establish appropriate forms of cooperation in order to ensure effective and efficient investigations and to

contribute to a coherent and consistent approach to investigation, judicial proceedings and to the enforcement of the obligations of regional operational centres under relevant Union legislation

Or. en

Amendment 1243

Zdzisław Krasnodębski, Edward Czesak

Proposal for a directive

Article 63 – paragraph 9

Text proposed by the Commission

9. The Commission *is empowered to* adopt *delegated acts in accordance with Article 67 to establish* guidelines setting out the details of the procedure to be followed for the application of this Article.

Amendment

9. The Commission *may* adopt guidelines setting out the details of the procedure to be followed for the application of this Article. *Such measures are designed to amend non-essential elements of this Directive by supplementing it.*

Or. en

Amendment 1244

Algirdas Saudargas, Jerzy Buzek

Proposal for a directive

Article 65 a (new)

Text proposed by the Commission

Amendment

Article 65a

Third Country participation

1. *Third countries may only participate in the internal electricity market provided that they have concluded agreements with the Union whereby they have adopted and are applying at least:*

(a) *the main rights and obligations set out in [Regulation on the internal market for electricity and the delegated and*

implementing acts adopted pursuant to it];

(b) the main rights and obligations set out in the [Directive on the internal market for electricity];

(c) the rules on energy state aid control pursuant to Article 107 to 109 TFEU; (d) the rules on coordinated supervision of market integrity and transparency as set out in Regulation 1227/2001 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency, including market implementing acts adopted pursuant to it;

(e) requirements of Council directive 2009/71/EURATOM of 25 June 2009 establishing a Community framework for the nuclear safety of nuclear installations (including Council directive 2014/87/EURATOM of 8 July 2014 amending Directive 2009/71/Euratom); and Council directive 2011/70/EURATOM of 19 July 2011 establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste;

(f) environmental rules with relevance for the power sector; and

(g) rules on administrative enforcement and judicial oversight over the internal market cooperation with the EU, conferring enforcement and judicial control of the rules of this Regulation and the delegated and implementing acts adopted under it either to the Commission and the European Court of Justice or to a specific non-domestic enforcement body and a neutral non-domestic Court or arbitration body which is independent from the respective third country.

2. Where no agreement between the Union and a third country has been concluded pursuant to paragraph 1 and where system operation is endangered, Member States may take necessary actions such as but not limited to the

restriction of electricity flows from the respective third country.

Or. en

Justification

This amendment is needed to ensure the coherence and completeness of the internal logic of the directive and particularly to achieve its main aim - the creation of truly integrated, competitive electricity market, as stated in the article 1. Well-functioning of EU's internal electricity market can be significantly influenced by import of electricity from third countries that compete in the EU's market on equal basis with electricity produced in the EU but is produced in third country under different requirements than at the EU (state aid, competition, environment etc.). Commission's proposals address only the internal side of the market and do not ensure that there is a level playing field for EU power producers vis-à-vis third country power producers. Moreover, there is no reciprocity on market access (EU companies cannot trade in third countries while they can do that in the EU). Such situation negatively affects EU electricity internal market, producers' competitiveness and creates difficulties for them to develop competitive electricity generation in the EU. Taking this into account there is a need to clarify how third countries access to European market is regulated. This would improve predictability for market players and give security for EU power producers that equal competitive conditions will be established in the EU market.

Amendment 1245

Pilar del Castillo Vera, Pilar Ayuso, Francesc Gambús

Proposal for a directive

Article 66 – paragraph 1

Text proposed by the Commission

1. Member States which can demonstrate that there are substantial problems for the operation of their small isolated systems, may apply for derogations from the relevant provisions of Chapters IV, V and VI as well as articles 4, 6, 7 and 8. . The Commission shall inform the Member States of those applications before taking a decision, taking into account respect for confidentiality. That decision shall be published in the Official Journal of the European Union.

Amendment

1. Member States which can demonstrate that there are substantial problems for the operation of their small isolated systems ***or systems whose interconnection follows a single undersea path***, may apply for derogations from the relevant provisions of Chapters IV, V and VI as well as articles 4, 6, 7 and 8. . The Commission shall inform the Member States of those applications before taking a decision, taking into account respect for confidentiality. That decision shall be published in the Official Journal of the European Union.

Amendment 1246**Françoise Grossetête****Proposal for a directive****Article 66 – paragraph 1***Text proposed by the Commission*

1. Member States which can demonstrate that there are substantial problems for the operation of their small isolated systems, may apply for derogations from the relevant provisions of Chapters IV, V and VI as well as articles 4, 6, 7 and 8. . The Commission shall inform the Member States of those applications before taking a decision, taking into account respect for confidentiality. That decision shall be published in the Official Journal of the European Union.

Amendment

1. Member States which can demonstrate that there are substantial problems for the operation of their small isolated systems, may apply for derogations from the relevant provisions of Chapters IV, V and VI as well as articles 4, **5**, 6, 7 and 8. . The Commission shall inform the Member States of those applications before taking a decision, taking into account respect for confidentiality. That decision shall be published in the Official Journal of the European Union.

Or. en

Justification

Electricity costs can be very high in small isolated systems, and the competition very limited. Member States could take measures to protect consumers in these systems.

Amendment 1247**Edouard Martin, Pervenche Berès****Proposal for a directive****Article 66 – paragraph 1***Text proposed by the Commission*

1. Member States which can demonstrate that there are substantial problems for the operation of their small isolated systems, may apply for derogations from the relevant provisions of Chapters IV, V and VI as well as articles 4,

Amendment

1. Member States which can demonstrate that there are substantial problems for the operation of their small isolated systems, may apply for derogations from the relevant provisions of Chapters IV, V and VI as well as articles 4,

6, 7 and 8. The Commission shall inform the Member States of those applications before taking a decision, taking into account respect for confidentiality. That decision shall be published in the Official Journal of the European Union.

5, 6, 7 and 8. The Commission shall inform the Member States of those applications before taking a decision, taking into account respect for confidentiality. That decision shall be published in the Official Journal of the European Union.

Or. fr

Justification

The cost of electricity can be extremely high in small isolated systems, with competition sometimes limited, for structural reasons. Member States must be able to take the necessary action to protect consumers in these areas (island and overseas consumers).

Amendment 1248

Zdzisław Krasnodebski, Edward Czesak

Proposal for a directive

Article 67

Text proposed by the Commission

Amendment

newArticle 67

deleted

Exercise of the delegation

- 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.***
- 2. The power to adopt delegated acts referred to in Article 61 and Article 63 shall be conferred on the Commission for an undetermined period of time from the (OP: please insert the date of entry into force).***
- 3. The delegation of power referred to in Article 61 and 63 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated act already in***

force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 61 and 63 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Or. en

Amendment 1249

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

Proposal for a directive Article 69 – paragraph 1

Text proposed by the Commission

The Commission shall monitor and review the application of this Directive and submit an overall progress report to the European Parliament and the Council as an annex to the State of the Energy Union Report referred to in [Article 29 of Governance Regulation as proposed by COM (2016) 549].

Amendment

The Commission shall monitor and review the application of this Directive and submit an overall progress report to the European Parliament and the Council as an annex to the State of the Energy Union Report referred to in [Article 29 of Governance Regulation as proposed by COM (2016) 549]. ***By 1 June 2024, the Commission shall review the implementation of this Directive and shall submit a report and, if***

appropriate, a legislative proposal to the European Parliament and to the Council.

Or. en

Amendment 1250

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Article 69 – paragraph 1

Text proposed by the Commission

The Commission shall monitor and review the application of this Directive and submit an overall progress report to the European Parliament and the Council as an annex to the State of the Energy Union Report referred to in [Article 29 of Governance Regulation as proposed by COM (2016) 549.

Amendment

The Commission shall monitor and review the application of this Directive, *with special attention to new players in Articles 13, 15 and 16*, and submit an overall progress report to the European Parliament and the Council as an annex to the State of the Energy Union Report referred to in [Article 29 of Governance Regulation as proposed by COM (2016) 549.

Or. en

Amendment 1251

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

Proposal for a directive

Annex I – paragraph 1 – point a

Text proposed by the Commission

(a) be *operationally independent* and ensure that suppliers are given equal treatment in search results;

Amendment

(a) be *independent from all market players* and ensure that *all* suppliers are given equal treatment in search results;

Or. en

Amendment 1252

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive
Annex I – paragraph 1 – point b

Text proposed by the Commission

(b) clearly disclose their owners and the natural or legal person operating the tool;

Amendment

(b) clearly disclose their owners and the natural or legal person operating the tool ***as well as information on how the tools are financed;***

Or. en

Amendment 1253
Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a directive
Annex I – paragraph 1 – point c

Text proposed by the Commission

(c) set out clear, objective criteria on which the comparison will be based;

Amendment

(c) set out clear, objective criteria on which the comparison will be based, ***displaying included services;***

Or. en

Amendment 1254
Paul Rübig

Proposal for a directive
Annex I – paragraph 1 – point c

Text proposed by the Commission

(c) set out clear, objective criteria on which the comparison will be based;

Amendment

(c) set out clear, objective criteria on which the comparison will be based ***displaying included services;***

Or. en

Justification

Not only must a tool for transparent comparison set out clear, objective criteria, it must also display included services.

Amendment 1255

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

Proposal for a directive

Annex I – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) rank and display the search results according to an impartial algorithm independent from any remuneration from suppliers;

Or. en

Amendment 1256

Zdzisław Krasnodebski, Edward Czesak

Proposal for a directive

Annex I – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) rank and display the search results according to an impartial algorithm independent from any remuneration from suppliers;

Or. en

Amendment 1257

Cornelia Ernst

Proposal for a directive

Annex I – paragraph 1 – point d

Text proposed by the Commission

(d) use plain and unambiguous language;

Amendment

(d) use plain and unambiguous language ***understandable to all***;

Or. en

Amendment 1258

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Annex I – paragraph 1 – point e

Text proposed by the Commission

(e) provide accurate and up-to-date information and state the time of the last update;

Amendment

(e) provide accurate and up-to-date information ***on***:

- ***the tariff and breakdown in terms of taxes, levies, fees and charges contained in the energy tariff;***
- ***the percentage share of energy sources used for the overall energy mix over the preceding year;***
- ***the exact nature of an advertised 'Green tariff' searchable according to their level of additionality;***
- ***information on the environmental impact of the energy mix, in terms of CO₂ emissions and radioactive waste resulting from the electricity produced by the overall fuel mix of the supplier over the preceding year;***
- ***quality of service, complaint-handling procedures, level of consumer satisfaction or misleading practices;***
- ***exceptional conditions of offers, including temporary discounts or planned increase during the contract duration***
- ***include dynamic contracts and offers provided by aggregators based on best information available about future***

prices and a possible price range;
and state the time of the last update;

Or. en

Justification

Question on inclusion of aggregators

Amendment 1259

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

Proposal for a directive
Annex I – paragraph 1 – point f

Text proposed by the Commission

(f) include an as complete a range of **electricity** offers as practicable covering a significant part of the market and, where the information presented is not a complete overview of the market, a clear statement to that effect, before displaying results; and

Amendment

(f) include an as complete a range of **energy** offers as practicable covering a significant part of the market and **both dynamic and non-dynamic tariffs, individual and bundled contracts, from suppliers, aggregators and service providers**, where the information presented is not a complete overview of the market, a clear statement to that effect, before displaying results; and

Or. en

Amendment 1260

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive
Annex I – paragraph 1 – point f

Text proposed by the Commission

(f) include an as complete a range of electricity offers as practicable covering a significant part of the market and, where the information presented is not a complete

Amendment

(f) include an as complete a range of electricity offers as practicable covering a significant part of the market and, where the information presented is not a complete

overview of the market, a clear statement to that effect, before displaying results; **and**

overview of the market, a clear statement to that effect, before displaying results;

Or. en

Amendment 1261

Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive

Annex I – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) indicate which tariffs are exclusively offered by the tool;

Or. en

Amendment 1262

Cornelia Ernst

Proposal for a directive

Annex I – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) disclose clear information about its business model;

Or. en

Amendment 1263

Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive

Annex I – paragraph 1 – point f b (new)

Text proposed by the Commission

Amendment

(fb) include dynamic contracts and offers provided by aggregators based on the best information available about future prices and a possible price range;

Amendment 1264

Cornelia Ernst

Proposal for a directive

Annex I – paragraph 1 – point f b (new)

Text proposed by the Commission

Amendment

(fb) indicate which tariffs are exclusively offered by the tool;

Or. en

Amendment 1265

Cornelia Ernst

Proposal for a directive

Annex I – paragraph 1 – point f c (new)

Text proposed by the Commission

Amendment

(fc) include dynamic contracts and offers provided by aggregators based on best information available about future prices and a possible price range;

Or. en

Amendment 1266

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Annex I – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) provide an effective procedure to report incorrect information on published offers.

(g) provide an effective procedure to report incorrect information on published offers *and*

Amendment 1267

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a directive

Annex I – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(ga) allow consumers to perform comparisons without having to submit personal information

Or. en

Amendment 1268

Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive

Annex I – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(ga) include prices and tariffs, and the quality of service performance for end-users;

Or. en

Amendment 1269

Cornelia Ernst

Proposal for a directive

Annex I – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(ga) include prices and tariffs, and the quality of service performance for end-users;

Amendment 1270

Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive

Annex I – paragraph 1 – point g b (new)

Text proposed by the Commission

Amendment

(gb) be accessible for persons with disabilities;

Or. en

Amendment 1271

Cornelia Ernst

Proposal for a directive

Annex I – paragraph 1 – point g b (new)

Text proposed by the Commission

Amendment

(gb) be accessible for persons with disabilities;

Or. en

Amendment 1272

Cornelia Ernst

Proposal for a directive

Annex I – paragraph 1 – point g c (new)

Text proposed by the Commission

Amendment

(gc) include information on the necessity to sign for bundled services to be able to benefit from energy offer discounts;

Or. en

Amendment 1273

Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive

Annex I – paragraph 1 – point g c (new)

Text proposed by the Commission

Amendment

(gc) include information on the necessity to sign for bundled services to be able to benefit from energy offer discounts.

Or. en

Amendment 1274

Cornelia Ernst

Proposal for a directive

Annex I – paragraph 1 a (new)

Text proposed by the Commission

Amendment

For offers from renewable energy sources, information on the contribution of each energy source to the electricity purchased by the customer, including shares of each renewable energy source by technology and country of origin, share or percentage of consumption met from direct-supply from renewable energy sources producers and own-production by the supplier, and actions creating additional environmental and social benefits, including new investments in renewable energy sources.

f

Or. en

Justification

The current system of guarantees of origin enables a significant amount of greenwashing and needs to be improved to provide more transparency to consumers. Proposals to fix the system

for guarantees of origin are not likely to significantly increase transparency for the consumer. Therefore, new tools, such as the comparison tool provided for in Article 14 of the Electricity Directive, are needed. The amendment would serve as a basis for providing consumers with easy to access and understandable information on suppliers about which technologies they source for the electricity they supply, where they source it from, and whether they do so directly or through guarantees of origin.

Amendment 1275

Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive

Annex I – paragraph 1 a (new)

Text proposed by the Commission

Amendment

No provider shall be given favourable treatment in search results based on criteria other than the objective criteria used to trigger the search.

Or. en

Amendment 1276

Cornelia Ernst

Proposal for a directive

Annex I – paragraph 1 b (new)

Text proposed by the Commission

Amendment

No provider shall be given favourable treatment in search results based on criteria other than the objective criteria used to trigger the search.

Or. en

Justification

Comparison tools should be transparent about which business model they follow - how they earn their income (e.g. receiving commissions, advertising, clicks, referrals, sale of data) - so that consumers can evaluate the objectivity of the guidance. Bundled products and services as well as offers from third parties such as aggregators or collective switching programmes should always be featured on the comparison tools so that consumers can compare them with

other offers on an objective and comprehensive basis.

Amendment 1277

Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive

Annex II – point 1 – paragraph 1

Text proposed by the Commission

Amendment

Minimum information contained in the bill

Minimum information contained in the bill
and the settlement statements.

Or. en

Amendment 1278

**Martina Werner, Flavio Zanonato, Jeppe Kofod, Carlos Zorrinho, Theresa Griffin,
Miroslav Poche, José Blanco López, Soledad Cabezón Ruiz**

Proposal for a directive

Annex II – point 1 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

The following information shall be prominently displayed to final customers in their bills and periodical settlement bills:

The following ***key*** information shall be prominently displayed to final customers in their bills and periodical settlement bills
distinctly apart from other parts of the bill.

Or. en

Amendment 1279

Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive

Annex II – point 1 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

The following information shall be prominently displayed to final customers in their bills and periodical settlement bills:

The following information shall be prominently displayed to final customers in their bills and periodical settlement bills

and settlement statements:

Or. en

Amendment 1280
Miapetra Kumpula-Natri

Proposal for a directive
Annex II – point 1 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

The following information shall be
prominently displayed to final customers
in their bills and periodical settlement
bills:

The following ***billing*** information shall be
made available to final customers:

Or. en

Justification

It is crucial to make a clearer distinction between billing and billing information to simplify the current regulatory framework and to increase consumer satisfaction with bills.

Amendment 1281
Martina Werner, Jeppe Kofod, Carlos Zorrinho, Theresa Griffin, Miapetra Kumpula-Natri, Miroslav Poche, Patrizia Toia, José Blanco López, Soledad Cabezón Ruiz

Proposal for a directive
Annex II – point 1 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) the price to pay; and, where possible, the breakdown of price;

(a) the price to pay ***and, where relevant, the final price per kWh***; and, where possible, the breakdown of price;

Or. en

Amendment 1282
Claude Turmes
on behalf of the Verts/ALE Group

Proposal for a directive

Annex II – point 1 – paragraph 2 – point a

Text proposed by the Commission

(a) the price to pay; and, where possible, the breakdown of price;

Amendment

(a) the price to pay; , ***when payment is due;*** and, where possible, the breakdown of price;

Or. en

Amendment 1283

Dario Tamburrano, David Borrelli, Piernicola Pedicini

Proposal for a directive

Annex II – point 1 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) ***when is the payment due or to be received;***

Or. en