



2016/0379(COD)

25.9.2017

AMENDMENTS

1361 - 1576

Draft report

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(PE597.757v01-00)

Internal market for electricity (recast)

Proposal for a regulation

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

Amendment 1361
Dario Tamburrano, David Borrelli

Proposal for a regulation
Article 49

Text proposed by the Commission

Amendment

Article 49

deleted

European entity for distribution system operators

Distribution system operators which are not part of a vertically integrated undertaking or which are unbundled according to the provisions of Article 35 [recast of Directive 2009/72/EC as proposed by COM(2016) 864/2], shall cooperate at Union level through a European Entity for Distribution system operators ("EU DSO entity"), in order to promote the completion and functioning of the internal market in electricity, and to promote optimal management and a coordinated operation of distribution and transmission systems. Distribution system operators who wish to participate in the EU DSO entity shall become registered members of the entity.

Or. en

Justification

The proposal to create a EU DSO entity should be scrapped to eliminate the risks of conflicts of interests. As such, the creation of a new EU DSO entity contains significant risks of obstructing competition and discrimination on sensitive issues (in particular on issues relating to consumers and treatment of distributed energy resources, such as solar PV and demand response). EU unbundling rules for DSOs are not very stringent, which would allow large DSOs connected to parent utilities to exert undue influence via the DSO entity. This risk is compounded by the fact that the EU DSO entity would be in a position to influence the drafting of Network Codes that will significantly impact the deployment of renewables and demand response, which not all DSOs are supporting. This could increase the risk of Network Codes that impose additional barriers to demand response and self-consumption and that allow DSOs to dominate markets for aggregation, storage and EV charging infrastructure

Amendment 1362
Massimiliano Salini

Proposal for a regulation
Article 49 – paragraph 1

Text proposed by the Commission

Distribution system operators which are not part of a vertically integrated undertaking or which are unbundled according to the provisions of Article 35 [recast of Directive 2009/72/EC as proposed by COM(2016) 864/2], shall cooperate at Union level through a European Entity for Distribution system operators ("EU DSO entity"), in order to promote the completion and functioning of the internal market in electricity, and to promote optimal management and a coordinated operation of distribution and transmission systems. Distribution system operators who wish to participate in the EU DSO entity shall become registered members of the entity.

Amendment

Distribution system operators which are not part of a vertically integrated undertaking or which are unbundled according to the provisions of Article 35 [recast of Directive 2009/72/EC as proposed by COM(2016) 864/2], shall cooperate at Union level through a European Entity for Distribution system operators ("EU DSO entity"), in order to promote the completion and functioning of the internal market in electricity, and to promote optimal management and a coordinated operation of distribution and transmission systems. Distribution system operators who wish to participate in the EU DSO entity shall become registered members of the entity. *For issues of cross-sectorial relevance, the EU DSO entity for electricity Distribution system operators shall ensure coordination, on an equal footing, with Gas Distribution operators represented by a permanent standing committee till an equivalent entity representing gas DSOs is established and the modalities for liaison between the two entities have been set.*

Or. en

Amendment 1363
Morten Helveg Petersen

Proposal for a regulation
Article 49 – paragraph 1

Text proposed by the Commission

Distribution system operators ***which are***

Amendment

Distribution system operators shall

not part of a vertically integrated undertaking or which are unbundled according to the provisions of Article 35 [recast of Directive 2009/72/EC as proposed by COM(2016) 864/2], shall cooperate at Union level through a European Entity for Distribution system operators ("EU DSO entity"), in order to promote the completion and functioning of the internal market in electricity, and to promote optimal management and a coordinated operation of distribution and transmission systems. Distribution system operators who wish to participate in the EU DSO entity shall become registered members of the entity.

cooperate at Union level through a European Entity for Distribution system operators ("EU DSO entity"), in order to promote the completion and functioning of the internal market in electricity, and to promote optimal management and a coordinated operation of distribution and transmission systems. Distribution system operators who wish to participate in the EU DSO entity shall become registered members of the entity.

Or. en

Amendment 1364

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation Article 49 – paragraph 1

Text proposed by the Commission

Distribution system operators which are not part of a vertically integrated undertaking *or* which are unbundled according to the provisions of Article 35 [recast of Directive 2009/72/EC as proposed by COM(2016) 864/2], shall cooperate at Union level through a European Entity for Distribution system operators ("EU DSO entity"), in order to promote the completion and functioning of the internal market in electricity, and to promote optimal management and a coordinated operation of distribution and transmission systems. Distribution system operators who wish to participate in the EU DSO entity shall become registered members of the entity.

Amendment

Distribution system operators which are not part of a vertically integrated undertaking, which are unbundled according to the provisions of Article 35 [recast of Directive 2009/72/EC as proposed by COM(2016) 864/2], *or which are financially unbundled and fully independent from energy related entities according to the provisions of Article [50 c]*, shall cooperate at Union level through a European Entity for Distribution system operators ("EU DSO entity"), in order to promote the completion and functioning of the internal market in electricity, and to promote optimal management and a coordinated operation of distribution and transmission systems. Distribution system operators who wish to participate in the EU

DSO entity shall become registered members of the entity.

Or. en

Amendment 1365

Jaromír Kohlíček

Proposal for a regulation

Article 49 – paragraph 1

Text proposed by the Commission

Distribution system operators which are not part of a vertically integrated undertaking or which are unbundled according to the provisions of Article 35 [recast of Directive 2009/72/EC as proposed by COM(2016) 864/2], shall cooperate at Union level through a European Entity for Distribution system operators ("EU DSO entity"), in order to promote the completion and functioning of the internal market in electricity, and to promote optimal management and a coordinated operation of distribution and transmission systems. Distribution system operators who wish to participate in the EU DSO entity shall become registered members of the entity.

Amendment

Distribution system operators which are not part of a vertically integrated undertaking or which are unbundled according to the provisions of Article 35 [recast of Directive 2009/72/EC as proposed by COM(2016) 864/2], shall cooperate at Union level through a European Entity for Distribution system operators ("EU DSO entity"), in order to promote the completion and functioning of the internal market in electricity, and to promote optimal management and a coordinated operation of distribution and transmission systems. Distribution system operators who wish to participate in the EU DSO entity shall become registered members of the entity. ***Decision-making process shall ensure for proportional geographical representation of DSOs in the EU DSO entity.***

Or. en

Justification

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

Amendment 1366

Miroslav Poche

Proposal for a regulation
Article 49 – paragraph 1

Text proposed by the Commission

Distribution system operators which are not part of a vertically integrated undertaking or which are unbundled according to the provisions of Article 35 [recast of Directive 2009/72/EC as proposed by COM(2016) 864/2], shall cooperate at Union level through a European Entity for Distribution system operators ("EU DSO entity"), in order to promote the completion and functioning of the internal market in electricity, and to promote optimal management and a coordinated operation of distribution and transmission systems. Distribution system operators who wish to participate in the EU DSO entity shall become registered members of the entity.

Amendment

Distribution system operators which are not part of a vertically integrated undertaking or which are unbundled according to the provisions of Article 35 [recast of Directive 2009/72/EC as proposed by COM(2016) 864/2], shall cooperate at Union level through a European Entity for Distribution system operators ("EU DSO entity"), in order to promote the completion and functioning of the internal market in electricity, and to promote optimal management and a coordinated operation of distribution and transmission systems. Distribution system operators who wish to participate in the EU DSO entity shall become registered members of the entity. ***Decision-making process shall ensure for proportional geographical representation of DSOs in the EU DSO entity.***

Or. en

Justification

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

Amendment 1367
Angelika Niebler, Sven Schulze

Proposal for a regulation
Article 49 – paragraph 1

Text proposed by the Commission

Distribution system operators ***which are not part of a vertically integrated undertaking or which are unbundled according to the provisions of Article 35***

Amendment

Distribution system operators, ***including de minimis distribution system operators***, shall cooperate at Union level through a European Entity for Distribution system

[recast of Directive 2009/72/EC as proposed by COM(2016) 864/2], shall cooperate at Union level through a European Entity for Distribution system operators ("EU DSO entity"), in order to promote the completion and functioning of the internal market in electricity, and to promote optimal management and a coordinated operation of distribution and transmission systems. Distribution system operators who wish to participate in the EU DSO entity shall become registered members of the entity.

operators ("EU DSO entity"), in order to promote the completion and functioning of the internal market in electricity, and to promote optimal management and a coordinated operation of distribution and transmission systems. Distribution system operators who wish to participate in the EU DSO entity shall **have the right to** become registered members of the entity.

Or. de

Justification

Small distribution system operators must not be excluded from the European Entity for Distribution System Operators.

Amendment 1368

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

Proposal for a regulation

Article 49 – paragraph 1

Text proposed by the Commission

Distribution system operators ***which are not part of a vertically integrated undertaking or which are unbundled according to the provisions of Article 35 [recast of Directive 2009/72/EC as proposed by COM(2016) 864/2]***, shall cooperate at Union level through a European Entity for Distribution system operators ("EU DSO entity"), in order to promote the completion and functioning of the internal market in electricity, ***and*** to promote optimal management and a coordinated operation of distribution and transmission systems. Distribution system operators ***who wish to participate in the EU DSO entity shall become registered members of the entity.***

Amendment

Distribution system operators shall cooperate at Union level through a European Entity for Distribution system operators ("EU DSO entity"), in order to promote the completion and functioning of the internal market in electricity, to promote optimal management and a coordinated operation of distribution and transmission systems ***and to exchange best-practices for the different challenges the distribution system operators face within the Union, including the digitalization of distribution networks, the deployment of smart grids and intelligent metering systems.***

Amendment 1369
Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation
Article 49 – paragraph 1

Text proposed by the Commission

Distribution system operators ***which are not part of a vertically integrated undertaking or which are unbundled according to the provisions of Article 35 [recast of Directive 2009/72/EC as proposed by COM(2016) 864/2]***, shall cooperate at Union level through a European Entity for Distribution system operators ("EU DSO entity"), in order to promote the completion and functioning of the internal market in electricity, and to promote optimal management and a coordinated operation of distribution and transmission systems. Distribution system operators who wish to participate in the EU DSO entity shall become registered members of the entity.

Amendment

Distribution system operators shall cooperate at Union level through a European Entity for Distribution system operators ("EU DSO entity"), in order to promote the completion and functioning of the internal market in electricity, and to promote optimal management and a coordinated operation of distribution and transmission systems. Distribution system operators who wish to participate in the EU DSO entity shall become registered members of the entity. ***Registered members may participate in the EU DSO entity directly or be represented by the national or European association of their choice.***

Amendment 1370
Kathleen Van Brempt

Proposal for a regulation
Article 49 – paragraph 1

Text proposed by the Commission

Distribution system operators ***which are not part of a vertically integrated undertaking or which are unbundled according to the provisions of Article 35 [recast of Directive 2009/72/EC as proposed by COM(2016) 864/2]***, shall cooperate at Union level through a

Amendment

All distribution system operators shall cooperate at Union level through a European Entity for Distribution system operators ("EU DSO entity"), in order to promote the completion and functioning of the internal market in electricity, ***to support the development of a sustainable,***

European Entity for Distribution system operators ("EU DSO entity"), in order to promote the completion and functioning of the internal market in electricity, and to promote optimal management and a coordinated operation of distribution and transmission systems. Distribution system operators who wish to participate in the EU DSO entity shall become registered members of the entity.

decentralised and more integrated energy system, and to promote optimal management and a coordinated operation of distribution and transmission systems. Distribution system operators ***and associations that represent them at Union level*** who wish to participate in the EU DSO entity shall become registered members of the entity.

Or. en

Amendment 1371
Werner Langen

Proposal for a regulation
Article 49 – paragraph 1

Text proposed by the Commission

Distribution system operators which are not part of a vertically integrated undertaking or which are unbundled according to the provisions of Article 35 [recast of Directive 2009/72/EC as proposed by COM(2016) 864/2], shall cooperate at Union level through a European Entity for Distribution system operators ("EU DSO entity"), in order to promote the completion and functioning of the internal market in electricity, and to promote optimal management and a coordinated operation of distribution and transmission systems. Distribution system operators who wish to participate in the EU DSO entity shall become registered members of the entity.

Amendment

Distribution system operators which are not part of a vertically integrated undertaking or which are unbundled according to the provisions of Article 35 [recast of Directive 2009/72/EC as proposed by COM(2016) 864/2], shall cooperate at Union level through a European Entity for Distribution system operators ("EU DSO entity"), in order to promote the completion and functioning of the internal market in electricity, and to promote optimal management and a coordinated operation of distribution and transmission systems. Distribution system operators who wish to participate in the EU DSO entity shall ***have the right to*** become registered members of the entity.

Or. de

Justification

The EU DSO entity will draft rules for the functioning of the European internal market which, once promulgated by the European Commission, will be applicable to all DSOs, irrespective of size or organisational structure. It should therefore be possible for all European DSOs,

including de minimis DSOs, to participate in the EU DSO entity (participation should remain voluntary).

Amendment 1372

Martina Werner, Carlos Zorrinho

Proposal for a regulation

Article 49 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In performing its functions under EU law, the EU DSO entity shall act independently from individual national interests or the national interests of transmission system operators, and shall contribute to the efficient and sustainable achievement of the objectives set out in the policy framework for climate and energy covering the period from 2020 to 2030, in particular by contributing to the efficient integration of electricity generated from renewable energy sources and to increases in energy efficiency.

Or. en

Amendment 1373

Morten Helveg Petersen

Proposal for a regulation

Article 49 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The DSOs of each country shall be given the opportunity to elect a country DSO-representative responsible for coordinating inputs, nominating experts to working groups and voting.

Or. en

Amendment 1374
Morten Helveg Petersen

Proposal for a regulation
Article 49 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

The weighting of votes between country DSO-representatives shall be in accordance with the voting procedure of the Council as defined in the consolidated Treaty of the European Union Article 16 (4), as amended by the Treaty of Lisbon (“double majority”).

Or. en

Amendment 1375
Cornelia Ernst

Proposal for a regulation
Article 49 a (new)

Text proposed by the Commission

Amendment

Article 49 a

Tasks of the Consultation Forum

1. The tasks of the members of the Consultation Forum shall be to advise the Commission on matters relating to the operation and management of distribution networks.

2. The Commission may consult the Consultation Forum on any matter relating to the implementation of this Regulation and of recast of Directive 2009/72/EC as proposed by COM(2016) 864/2 and in respect of the adoption of network codes and guidelines referred to in Article 54. The Consultation Forum may also be consulted by the Commission and by the Agency in respect of other measures.

3. The Consultation Forum may:

(a) develop best practices, of their own accord or at the request of the Commission or the Agency, on matters relating to the development of demand response, the integration of renewable energy resources, distributed generation and other resources embedded in the distribution network;

(b) inform the Commission or the Agency of problems relating to the implementation of network codes referred to in Article 54 and submit recommendations and suggestions addressing such problems to the Commission or the Agency;

(c) conduct any other activities necessary to fulfil its function. The Consultation Forum shall inform the Commission of its activities.

Or. en

Amendment 1376

Martina Werner, Peter Kouroumbashev, Carlos Zorrinho, Miapetra Kumpula-Natri, Eugen Freund, Miroslav Poche, Edouard Martin, Dan Nica

Proposal for a regulation

Article 49 a (new)

Text proposed by the Commission

Amendment

Article 49 a

Membership in the European Entity for Distribution System Operators (EU DSO Entity)

The participation of individual distribution system operators in the EU DSO Entity shall be voluntarily.

Distribution system operators who wish to participate in the EU DSO Entity shall become registered members of the EU DSO Entity.

The EU DSO Entity shall ensure an equitable treatment of all member distribution system operators regardless of their size.

The EU DSO Entity shall ensure that smaller or independent DSOs are adequately represented, including in the decision-making procedures.

Or. en

Amendment 1377
Cornelia Ernst

Proposal for a regulation
Article 49 a (new)

Text proposed by the Commission

Amendment

Article 49 a

Consultation Forum

The Commission shall establish a Consultation Forum on the operation and management of distribution networks. The Commission shall ensure that the Consultation Forum observes a balanced participation of all interested parties concerned with the operation and management of distribution networks, such as system operators, system users, aggregators, relevant industry associations, environmental protection groups and consumer organisations. The rules of procedure of the Forum shall be established by the Commission.

Or. en

Justification

Instead of requiring the establishment of a EU DSO entity, the Commission should create a Consultation Forum on the operation and management of distribution networks. The Consultation Forum would significantly reduce the risk of self-regulation by DSOs given the fact that it would be purely advisory in nature. In addition, the Consultation Forum would include a wider range of stakeholders in the Consultation Forum.

Amendment 1378

Dario Tamburrano, David Borrelli

Proposal for a regulation

Article 50

Text proposed by the Commission

Amendment

Article 50

deleted

Establishment of the EU DSO entity for electricity

1. By [OP: twelve months after entry into force], the distribution system operators, with the administrative support of the Agency, shall submit to the Commission and to the Agency the draft statutes, a list of registered members, the draft rules of procedure, including the rules of procedures on the consultation with ENTSO for Electricity and other stakeholders and the financing rules, of the EU DSO entity to be established.

2. Within two months of receipt, the Agency, after formally consulting the organisations representing all stakeholders, in particular distribution system users, shall provide an opinion to the Commission on the draft statutes, the list of members and the draft rules of procedure.

3. The Commission shall deliver an opinion on the draft statutes, the list of members and the draft rules of procedure taking into account the opinion of the Agency provided for in paragraph 2, within three months of receipt of the opinion of the Agency.

4. Within three months of the day of receipt of the Commission's positive opinion, the distribution system operators shall establish the EU DSO entity and adopt and publish its statutes and rules of procedure.

5. The documents referred to in paragraph 1 shall be submitted to the Commission and to the Agency in case of changes thereof or upon their reasoned request. The Agency and the Commission shall deliver an opinion in line with the process set out in paragraphs 2 to 4.

6. The costs related to the activities of the EU DSO entity shall be borne by distribution system operators who are registered members and shall be taken into account in the calculation of tariffs. Regulatory authorities shall approve those costs only if they are reasonable and proportionate.

Or. en

Justification

The proposal to create a EU DSO entity should be scrapped to eliminate the risks of conflicts of interests. This amendment promotes consistency with other amendments.

Amendment 1379

Morten Helveg Petersen

Proposal for a regulation

Article 50 – paragraph –1 (new)

Text proposed by the Commission

Amendment

-1. Within [OP: two months after entry into force], each Member State shall ensure that the Member States' distribution system operators are given the opportunity to elect a country DSO-representative for the EU DSO entity in a fair and transparent manner. The Member State shall ensure that the representative is re-elected every second year and on request of a majority of the Member States' distribution system operators.

Or. en

Amendment 1380
Cornelia Ernst

Proposal for a regulation
Article 50 – paragraph 1

Text proposed by the Commission

Amendment

1. By [OP: twelve months after entry into force], the distribution system operators, with the administrative support of the Agency, shall submit to the Commission and to the Agency the draft statutes, a list of registered members, the draft rules of procedure, including the rules of procedures on the consultation with ENTSO for Electricity and other stakeholders and the financing rules, of the EU DSO entity to be established.

deleted

Or. en

Amendment 1381
Kathleen Van Brempt

Proposal for a regulation
Article 50 – paragraph 1

Text proposed by the Commission

Amendment

1. By [OP: twelve months after entry into force], the distribution system operators, with the administrative support of the Agency, shall submit to the Commission and to the Agency the draft statutes, a list of registered members, the draft rules of procedure, including the rules of procedures on the consultation with ENTSO for Electricity and other stakeholders and the financing rules, of the EU DSO entity to be established.

1. By [OP: twelve months after entry into force], the distribution system operators, with the administrative support of the Agency, shall submit to the Commission and to the Agency the draft ***the outline of a governance structure that guarantees a fair and balanced representation of interests between members and Member States. This shall include the draft*** statutes, a list of registered members, the draft rules of procedure, including the rules of procedures on the consultation with ENTSO for Electricity and other

stakeholders and the financing rules, of the EU DSO entity to be established.

Or. en

Amendment 1382

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation

Article 50 – paragraph 1

Text proposed by the Commission

1. By [OP: twelve months after entry into force], the ***distribution system operators***, with the administrative support of the Agency, shall submit to the Commission and to the Agency the draft statutes, a list of registered members, the draft rules of procedure, including the rules of procedures on the consultation with ENTSO ***for Electricity*** and other stakeholders and the financing rules, of the EU DSO entity to be established.

Amendment

1. By [OP: twelve months after entry into force], the ***registered members, either participating directly or being represented by the national or European associations of their choice***, with the administrative support of the Agency, shall submit to the Commission and to the Agency the draft statutes, a list of registered members, the draft rules of procedure, including the rules of procedures on the consultation with ENTSO - ***E*** and other stakeholders and the financing rules, of the EU DSO entity to be established.

Or. en

Amendment 1383

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

Proposal for a regulation

Article 50 – paragraph 1

Text proposed by the Commission

1. By [OP: twelve months after entry into force], the distribution system operators, with the administrative support of the Agency, shall submit to the Commission and to the Agency the draft statutes, a list of registered members, the

Amendment

1. By [OP: twelve months after entry into force], the distribution system operators, with the administrative support of the Agency, shall submit to the Commission and to the Agency the draft statutes, a list of registered members, the

draft rules of procedure, including the rules of procedures on the consultation with ENTSO for Electricity and other stakeholders and the financing rules, of the EU DSO entity to be established.

draft rules of procedure, including the rules of procedures on the consultation with ENTSO for Electricity and other stakeholders, ***the decision-making procedures*** and the financing rules, of the EU DSO entity to be established.

Or. en

Amendment 1384
Morten Helveg Petersen

Proposal for a regulation
Article 50 – paragraph 1

Text proposed by the Commission

1. By [OP: twelve months after entry into force], the ***distribution system operators***, with the administrative support of the Agency, shall submit to the Commission and to the Agency the draft statutes, a list of registered members, the draft rules of procedure, including the rules of procedures on the consultation with ENTSO for Electricity and other stakeholders and the financing rules, of the EU DSO entity to be established.

Amendment

1. By [OP: twelve months after entry into force], the ***country DSO-representatives***, with the administrative support of the Agency, shall submit to the Commission and to the Agency the draft statutes, a list of registered members, the draft rules of procedure, including the rules of procedures on the consultation with ENTSO for Electricity and other stakeholders and the financing rules, of the EU DSO entity to be established.

Or. en

Amendment 1385
Claude Turmes
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 50 – paragraph 1

Text proposed by the Commission

1. ***By [OP: twelve months after entry into force], the distribution system operators, with the administrative support of the Agency, shall submit to the***

Amendment

1. ***Distribution system operators shall cooperate at Union level to contribute to the achievement of the EU climate and energy objectives including the***

Commission and to the Agency the draft statutes, a list of registered members, the draft rules of procedure, including the rules of procedures on the consultation with ENTSO for Electricity and other stakeholders and the financing rules, of the EU DSO entity to be established.

integration of high levels of electricity generated by variable renewable energy sources, to promote the completion and functioning of the internal market in electricity, and to promote optimal management and a coordinated operation of distribution and transmission systems.

Or. en

Amendment 1386
Cornelia Ernst

Proposal for a regulation
Article 50 – paragraph 2

Text proposed by the Commission

Amendment

2. *Within two months of receipt, the Agency, after formally consulting the organisations representing all stakeholders, in particular distribution system users, shall provide an opinion to the Commission on the draft statutes, the list of members and the draft rules of procedure.*

deleted

Or. en

Amendment 1387

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

Proposal for a regulation
Article 50 – paragraph 2

Text proposed by the Commission

Amendment

2. Within two months of receipt, the Agency, after formally consulting the organisations representing all stakeholders, in particular distribution system users, shall provide an opinion to the Commission on the draft statutes, the list of members and

2. Within two months of receipt, the Agency, after formally consulting the organisations representing all stakeholders, in particular distribution system users, shall provide an opinion to the Commission on the draft statutes, the list of members and

the draft rules of procedure.

the draft rules of procedure, *taking into account in particular the rules related to the independence of the EU DSO entity from its members, to the prevention of conflicts of interests, and to the necessity to ensure geographically- balanced representation and equitable treatment between its Members, in particular for small or independent Distribution system operators.*

Or. en

Amendment 1388

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 50 – paragraph 2

Text proposed by the Commission

2. *Within two months of receipt, the Agency, after formally consulting the organisations representing all stakeholders, in particular distribution system users, shall provide an opinion to the Commission on the draft statutes, the list of members and the draft rules of procedure.*

Amendment

2. *Distribution system operators who comply with the principles established in Article 50c (new) may establish themselves in a common European entity for distribution system operators in the field of electricity (“EU DSO entity”)structured with the administrative support of the Agency.*

Or. en

Amendment 1389

Martina Werner, Peter Kouroumbashev, Carlos Zorrinho, Miapetra Kumpula-Natri, Eugen Freund, Miroslav Poche, Dan Nica

Proposal for a regulation

Article 50 – paragraph 2

Text proposed by the Commission

2. Within two months of receipt, the Agency, after formally consulting the

Amendment

2. Within two months of receipt, the Agency, after formally consulting the

organisations representing all stakeholders, in particular distribution system users, shall provide an opinion to the Commission on the draft statutes, the list of members and the draft rules of procedure.

organisations representing all stakeholders, in particular distribution system users **and consumer protection organisations** shall provide an opinion to the Commission on the draft statutes, the list of members and the draft rules of procedure.

Or. en

Amendment 1390
Cornelia Ernst

Proposal for a regulation
Article 50 – paragraph 3

Text proposed by the Commission

3. *The Commission shall deliver an opinion on the draft statutes, the list of members and the draft rules of procedure taking into account the opinion of the Agency provided for in paragraph 2, within three months of receipt of the opinion of the Agency.*

Amendment

deleted

Or. en

Amendment 1391
Claude Turmes
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 50 – paragraph 3

Text proposed by the Commission

3. The *Commission* shall *deliver an opinion on* the draft statutes, *the* list of *members and* the draft rules of procedure *taking into account the opinion of the Agency provided for in paragraph 2, within three months of receipt* of the *opinion of the Agency*.

Amendment

3. The *EU DSO entity* shall *submit to the Commission and to the Agency* the draft statutes, *a* list of *registered members*, the draft rules of procedure, *including the rules of procedures on the consultation with ENTSO for Electricity and other stakeholders and the financing rules*, of the *EU DSO entity to be established*.

Amendment 1392

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

Proposal for a regulation

Article 50 – paragraph 3

Text proposed by the Commission

3. The Commission shall deliver an opinion on the draft statutes, the list of members and the draft rules of procedure taking into account the opinion of the Agency provided for in paragraph 2, within three months of receipt of the opinion of the Agency.

Amendment

3. The Commission shall deliver an opinion on the draft statutes, the list of members and the draft rules of procedure **and the decision-making procedure** taking into account the opinion of the Agency provided for in paragraph 2, within three months of receipt of the opinion of the Agency.

Amendment 1393

Cornelia Ernst

Proposal for a regulation

Article 50 – paragraph 4

Text proposed by the Commission

4. Within three months of the day of receipt of the Commission's positive opinion, the distribution system operators shall establish the EU DSO entity and adopt and publish its statutes and rules of procedure.

Amendment

deleted

Amendment 1394

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 50 – paragraph 4

Text proposed by the Commission

4. Within *three* months of *the day of receipt of the Commission's positive opinion, the* distribution system operators shall *establish the EU DSO entity and adopt and publish its statutes and* rules of procedure.

Amendment

4. Within *two* months of *receipt, the Agency, after formally consulting the organisations representing all stakeholders, in particular* distribution system users, shall *provide an opinion to the Commission on the draft statutes, the list of members and the draft* rules of procedure *establishing at least a General Assembly, a Board of Directors, an Independent Advisory Council, a Secretary-General and a Secretariat and complying with the principles outlined in Article 50a (new).*

Or. en

Amendment 1395
Cornelia Ernst

Proposal for a regulation
Article 50 – paragraph 5

Text proposed by the Commission

5. *The documents referred to in paragraph 1 shall be submitted to the Commission and to the Agency in case of changes thereof or upon their reasoned request. The Agency and the Commission shall deliver an opinion in line with the process set out in paragraphs 2 to 4.*

Amendment

deleted

Or. en

Amendment 1396
Claude Turmes
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 50 – paragraph 5

Text proposed by the Commission

Amendment

5. *The documents referred to in paragraph 1 shall be submitted to the Commission and to the Agency in case of changes thereof or upon their reasoned request. The Agency and the Commission shall deliver an opinion in line with the process set out in paragraphs 2 to 4.*

deleted

Or. en

Amendment 1397

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 50 – paragraph 6

Text proposed by the Commission

Amendment

6. *The costs related to the activities of the EU DSO entity shall be borne by distribution system operators who are registered members and shall be taken into account in the calculation of tariffs. Regulatory authorities shall approve those costs only if they are reasonable and proportionate.*

deleted

Or. en

Amendment 1398

Jaromír Kohlíček

Proposal for a regulation

Article 50 – paragraph 6

Text proposed by the Commission

Amendment

6. The costs related to the activities of the EU DSO entity shall be borne by distribution system operators who are

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registered members and shall be **considered as eligible cost and** taken into account **by regulatory authority** in the calculation of tariffs. Regulatory authorities shall approve those costs only if they are reasonable and proportionate.

Or. en

Justification

Clarification of the Article: costs related to the participation of DSOs in the EU DSO shall be considered as eligible costs by national Regulatory authorities and shall be recognized in tariffs accordingly. Otherwise we risk de-incentivizing DSOs from being members of the EU DSO entity.

Amendment 1399 **Morten Helveg Petersen**

Proposal for a regulation **Article 50 – paragraph 6**

Text proposed by the Commission

6. The costs related to the activities of the EU DSO entity shall be borne by distribution system operators **who are registered members** and shall be taken into account in the calculation of tariffs. Regulatory authorities shall approve those costs only if they are reasonable and proportionate.

Amendment

6. The costs related to the activities of the EU DSO entity shall be borne by **all European** distribution system operators and shall be taken into account in the calculation of tariffs. Regulatory authorities shall approve those costs only if they are reasonable and proportionate.

Or. en

Amendment 1400 **Claude Turmes** on behalf of the Verts/ALE Group

Proposal for a regulation **Article 50 a (new)**

Text proposed by the Commission

Amendment

Article 50 a

Rules and procedures for the EU DSO entity for electricity

1. The statutes and rules of procedures of the EU DSO entity adopted in accordance with Article 50 shall safeguard the following organization principles:

(a) participation in the works of the EU DSO entity is limited to registered members;

(b) strategic decisions regarding the activities of the EU DSO entity as well as guidelines for the Board of Directors are adopted by the General Assembly;

(c) decisions of the General Assembly are adopted by 65% of the votes casted by members based in at least 55% of Member States;

(d) decisions of the General Assembly can be blocked by 35% of the votes casted by members based in at least four Member States;

(e) the Board of Directors is elected by the General Assembly for a mandate of maximum 4 years, renewable once;

(f) the Board of Directors nominates the President and the three vice Presidents among its members;

(g) DSO-TSO cooperation pursuant to Articles 52 and 53 is led by the Board of Directors;

(h) decisions of the Board of Directors are adopted by simple majority of 11 votes or qualified majority of 15 votes;

(i) the Secretary General is appointed by the General Assembly among its members for a four years mandate, renewable once;

(j) Expert Groups are appointed by the General Assembly.

2. The statutes and rules of procedures of the EU DSO entity adopted in accordance with Article 50 shall safeguard the fair

and proportionate treatment of its members and reflect the diverse geographical and economic structure of its membership. In particular, the procedures shall foresee that:

(a) the number of voting rights in the General Assembly is assigned to its members on the basis of objective, transparent criteria reflecting the scope of their economic activity;

(b) the Board of Directors is composed by the President of the Board and 19 members' representatives, of which: 10 are representatives of members with more than 1 million grid users; 5 are representatives of members with more than 100,000 and less than 1 million grid users; and 5 are be representatives of members with less than 100,000 grid users;

(c) the Board of Directors shall not consist of more than 3 representatives of members based in the same Member State;

(d) the vice-Presidents of the Board shall be nominated among representatives of members out of each group representing the respective number of grid users;

3. The statutes and rules of procedures of the EU DSO entity adopted in accordance with Article 50 shall ensure the proper functioning of the Independent Advisory Council and notably:

(a) ensure that the Independent Advisory Council is composed of representatives of system users, final users and any other relevant stakeholder;

(b) works on identifying best practices for the tasks outlined in Article 51;

(c) delivers input to the works of the EU DSO entity and notably its contribution to the elaboration of network codes, annual work programme and annual reporting.

Justification

This Article follows on logically from the establishment of an EU DSO entity in the previous Article.

Amendment 1401

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 50 b (new)

Text proposed by the Commission

Amendment

Article 50 b

Agency oversight of the EU DSO entity

1. While preparing the proposals pursuant to the tasks referred to in Article 51, the EU DSO entity shall submit to the Agency the draft texts of the proposals. Within two months of receipt, the Agency shall provide an opinion to the EU DSO entity and propose amendments. In case of a negative opinion, the EU DSO entity shall propose a revised version of the text.

2. Any natural or legal person affected by a decision can lodge an appeal to the Agency against a decision taken by the EUDSO entity where the entity has actual decision-making powers.

Or. en

Justification

This Article follows on logically from Article 50 on the establishment of a EU DSO entity.

Amendment 1402

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 50 c (new)

Text proposed by the Commission

Amendment

Article 50 c

Participation of Distribution System Operators

1. In order to ensure the independence of the EU DSO entity, all distribution system operators shall apply the following provisions in order to become members of the EU DSO entity:

(a) distribution system operators shall establish and implement a compliance programme which sets out the measures taken in order to ensure that discriminatory conduct is excluded, and ensure that the compliance with that programme is adequately monitored. The compliance programme shall set out the specific obligations of employees to meet those objectives. It shall be subject to approval by the regulatory authority. Without prejudice to the powers of the national regulator, compliance with the program shall be independently monitored by a compliance officer;

(b) the distribution system operator shall inform the regulatory authority of the financial resources, referred available for future investment projects and/or for the replacement of existing assets.

2. Distribution system operators who are part of a vertically integrated undertaking shall apply the additional following provisions in order to become members of the EU DSO entity:

(a) the overall management structure and the corporate statutes of the distribution system operator shall ensure effective independence of the distribution system operator. The vertically integrated undertaking shall not determine, directly or indirectly, the competitive behaviour of the distribution system operator in

relation to the day-to-day activities of the distribution system operator and management of the network or in relation to activities necessary for the network development;

(b) the distribution system operator shall not discriminate against different persons or entities and shall not restrict, distort or prevent competition in generation or supply;

(c) distribution system operator may, however, provide services to the vertically integrated undertaking as long as the provision of those services does not discriminate between system users, is available to all system users on the same terms and conditions and does not restrict, distort or prevent competition in generation or supply;

(d) the distribution system operator shall have the power to raise money on the capital market in particular through borrowing and capital increase;

(e) any commercial and financial relations between the vertically integrated undertaking and the distribution system operator, including loans from the distribution system operator to the vertically integrated undertaking, shall comply with market conditions. The distribution system operator shall keep detailed records of such commercial and financial relations and make them available to the regulatory authority upon request. The distribution system operator shall submit for approval by the regulatory authority all commercial and financial agreements with the vertically integrated undertaking.

(f) The distribution system operator shall not share IT systems or equipment, physical premises and security access systems with any part of the vertically integrated undertaking nor use the same consultants or external contractors for IT systems or equipment, and security access

systems.

(g) The distribution system operator shall not, in its corporate identity, communication, branding and premises, create confusion in respect of the separate identity of the vertically integrated undertaking or any part thereof.

(h) The distribution system operator shall establish a Supervisory Body which shall be in charge of taking decisions which may have a significant impact on the value of the assets of the shareholders within the distribution system operator, in particular decisions regarding the approval of the annual and longer-term financial plans, the level of indebtedness of the distribution system operator and the amount of dividends distributed to shareholders. The decisions falling under the remit of the Supervisory Body shall exclude those that are related to the day-to-day activities of the distribution system operator and management of the network, and to activities necessary for the preparation of the ten-year network development plan. The Supervisory Body shall be composed of members representing the vertically integrated undertaking, members representing third party shareholders and, where the relevant legislation of a Member State so provides, members representing other interested parties such as employees of the distribution system operator

(i) Decisions regarding the appointment and renewal, working conditions including remuneration, and termination of the term of office of the persons responsible for the management and/or members of the administrative bodies of the distribution system operator shall be taken by the Supervisory Body of the distribution system operator.

(j) No professional position or responsibility, interest or business relationship, directly or indirectly, with

the vertically integrated undertaking or any part of it or its controlling shareholders other than the distribution system operator shall be exercised for a period of three years before the appointment of the persons responsible for the management and/or members of the administrative bodies of the distribution system operator who are subject to this paragraph.

(k) The persons responsible for the management and/or members of the administrative bodies, and employees of the distribution system operator shall have no other professional position or responsibility, interest or business relationship, directly or indirectly, with any other part of the vertically integrated undertaking or with its controlling shareholders.

(l) The persons responsible for the management and/or members of the administrative bodies, and employees of the distribution system operator shall hold no interest in or receive any financial benefit, directly or indirectly, from any part of the vertically integrated undertaking other than the distribution system operator. Their remuneration shall not depend on activities or results of the vertically integrated undertaking other than those of the distribution system operator.

(m) After termination of their term of office in the distribution system operator, the persons responsible for its management and/or members of its administrative bodies shall have no professional position or responsibility, interest or business relationship with any part of the vertically integrated undertaking other than the distribution system operator, or with its controlling shareholders for a period of not less than four years.

Justification

This Amendment is intrinsically linked to Article 50 and further details the provisions for the establishment of a DSO entity.

Amendment 1403

Dario Tamburrano, David Borrelli

Proposal for a regulation**Article 51**

Text proposed by the Commission

Amendment

Article 51

deleted

Tasks of the EU DSO entity

1. The tasks of the EU DSO entity shall be the following:

(a) coordinated operation and planning of transmission and distribution networks;

(b) integration of renewable energy resources, distributed generation and other resources embedded in the distribution network such as energy storage;

(c) development of demand response;

(d) digitalisation of distribution networks including deployment of smart grids and intelligent metering systems;

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

(f) participation in the elaboration of network codes pursuant to Article 55.

2. In addition the EU DSO entity shall:

(a) cooperate with ENTSO for electricity on the monitoring of implementation of the network codes and guidelines which are relevant to the operation and planning of distribution grids and the coordinated operation of the transmission and distribution networks and which are

adopted pursuant to this Regulation;

(b) cooperate with ENTSO for electricity and adopt best practices on the coordinated operation and planning of transmission and distribution systems including issues such as exchange of data between operators and coordination of distributed energy resources;

(c) work on identifying best practices on the areas identified in paragraph 1 and for the introduction of energy efficiency improvements in the distribution network;

(d) adopt an annual work programme and an annual report;

(e) operate in full compliance with competition rules.

Or. en

Justification

The proposal to create a EU DSO entity should be scrapped to eliminate the risks of conflicts of interests. This amendment promotes consistency with other amendments.

Amendment 1404 **Cornelia Ernst**

Proposal for a regulation **Article 51**

Text proposed by the Commission

Amendment

Article 51

deleted

Tasks of the EU DSO entity

1. The tasks of the EU DSO entity shall be the following:

(a) coordinated operation and planning of transmission and distribution networks;

(b) integration of renewable energy resources, distributed generation and other resources embedded in the distribution network such as energy

storage;

(c) development of demand response;

(d) digitalisation of distribution networks including deployment of smart grids and intelligent metering systems;

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

(f) participation in the elaboration of network codes pursuant to Article 55.

2. In addition the EU DSO entity shall:

(a) cooperate with ENTSO for electricity on the monitoring of implementation of the network codes and guidelines which are relevant to the operation and planning of distribution grids and the coordinated operation of the transmission and distribution networks and which are adopted pursuant to this Regulation;

(b) cooperate with ENTSO for electricity and adopt best practices on the coordinated operation and planning of transmission and distribution systems including issues such as exchange of data between operators and coordination of distributed energy resources;

(c) work on identifying best practices on the areas identified in paragraph 1 and for the introduction of energy efficiency improvements in the distribution network;

(d) adopt an annual work programme and an annual report;

(e) operate in full compliance with competition rules.

Or. en

Amendment 1405

Kathleen Van Brempt

Proposal for a regulation

Article 51 – paragraph 1 – introductory part

Text proposed by the Commission

1. The **tasks** of the EU DSO entity shall be the **following**:

Amendment

1. The **main task** of the EU DSO entity shall be the **participation in the elaboration of network codes pursuant to Articles 55 and 56**.
Other tasks may include the exchange of views and best practices on:

Or. en

Amendment 1406

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 51 – paragraph 1 – point a

Text proposed by the Commission

(a) **coordinated operation and planning of transmission and distribution networks;**

Amendment

deleted

Or. en

Amendment 1407

Zdzisław Krasnodębski

Proposal for a regulation

Article 51 – paragraph 1 – point a

Text proposed by the Commission

(a) coordinated operation and planning of transmission and distribution networks;

Amendment

(a) **adopting recommendations relating to** coordinated operation and planning of transmission and distribution networks **in cooperation with ENTSO for Electricity;**

Or. en

Amendment 1408
Zdzisław Krasnodebski

Proposal for a regulation
Article 51 – paragraph 1 – point b

Text proposed by the Commission

(b) integration of renewable energy resources, distributed generation and other resources embedded in the distribution network such as energy storage;

Amendment

(b) ***delivering a consultative advice on efficient*** integration of renewable energy resources, distributed generation and other resources embedded in the distribution network such as energy storage;

Or. en

Amendment 1409
Werner Langen

Proposal for a regulation
Article 51 – paragraph 1 – point b

Text proposed by the Commission

(b) integration of renewable energy resources, distributed generation and other resources embedded in the distribution network such as energy storage;

Amendment

(b) integration of renewable energy resources, distributed generation and other resources embedded in the distribution network such as energy storage ***and sectoral integration***;

Or. de

Justification

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

Amendment 1410
Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Patrizia Toia, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López

Proposal for a regulation
Article 51 – paragraph 1 – point b

Text proposed by the Commission

(b) integration of renewable energy resources, distributed generation and other resources embedded in the distribution network such as energy storage;

Amendment

(b) ***improve and maximise the*** integration of renewable energy resources, distributed generation and other resources embedded in the distribution network such as energy storage;

Or. en

Amendment 1411

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 51 – paragraph 1 – point b

Text proposed by the Commission

(b) integration of renewable energy resources, distributed generation and other resources embedded in the distribution network such as energy storage;

Amendment

(b) ***facilitate the*** integration of renewable energy resources, distributed generation and other resources embedded in the distribution network such as energy storage;

Or. en

Amendment 1412

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 51 – paragraph 1 – point c

Text proposed by the Commission

(c) development of demand response;

Amendment

(c) ***facilitate the*** development of demand response ***notably via aggregators***;

Or. en

Amendment 1413

Zdzisław Krasnodębski

**Proposal for a regulation
Article 51 – paragraph 1 – point c**

Text proposed by the Commission

(c) development of demand response;

Amendment

(c) ***adopting recommendations relating to*** development of demand response;

Or. en

**Amendment 1414
Carolina Punset**

**Proposal for a regulation
Article 51 – paragraph 1 – point c**

Text proposed by the Commission

(c) development of demand response;

Amendment

(c) development of demand response ***and energy storage*** ;

Or. en

**Amendment 1415
Paul Rübiger**

**Proposal for a regulation
Article 51 – paragraph 1 – point c**

Text proposed by the Commission

(c) development of demand response;

Amendment

(c) development of demand response ***and energy storage***;

Or. en

**Amendment 1416
Kathleen Van Brempt**

Proposal for a regulation
Article 51 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) development of innovative financing techniques, including pre-financing combined with on-bill repayment via the meter, for investments in renewable energy and energy efficiency measures;

Or. en

Amendment 1417
Kathleen Van Brempt

Proposal for a regulation
Article 51 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(c b) fulfilment of the tasks as obligated party in the [Energy Efficiency Directive];

Or. en

Amendment 1418
Kathleen Van Brempt

Proposal for a regulation
Article 51 – paragraph 1 – point c c (new)

Text proposed by the Commission

Amendment

(c c) introduction of energy efficiency improvements in the distribution network;

Or. en

Amendment 1419
Zdzisław Krasnodebski

Proposal for a regulation
Article 51 – paragraph 1 – point d

Text proposed by the Commission

(d) digitalisation of distribution networks including deployment of smart grids and intelligent metering systems;

Amendment

(d) ***adopting recommendations relating to*** digitalisation of distribution networks including deployment of smart grids and intelligent metering systems;

Or. en

Amendment 1420
Claude Turmes
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 51 – paragraph 1 – point d

Text proposed by the Commission

(d) digitalisation of distribution networks including deployment of smart grids and intelligent metering systems;

Amendment

(d) ***accelerate the*** digitalisation of distribution networks including deployment of smart grids and intelligent metering systems;

Or. en

Amendment 1421
Martina Werner, Peter Kouroumbashev, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Patrizia Toia, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López

Proposal for a regulation
Article 51 – paragraph 1 – point d

Text proposed by the Commission

(d) digitalisation of distribution networks including deployment of smart grids and intelligent metering systems;

Amendment

(d) ***improve the*** digitalisation of distribution networks including deployment of smart grids and intelligent metering systems;

Amendment 1422

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

Proposal for a regulation

Article 51 – paragraph 1 – point d

Text proposed by the Commission

(d) digitalisation of distribution networks including deployment of smart grids and *intelligent* metering systems;

Amendment

(d) digitalisation of distribution networks including deployment of smart grids and *smart* metering systems ;

Amendment 1423

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

Proposal for a regulation

Article 51 – paragraph 1 – point e

Text proposed by the Commission

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

Amendment

(e) *guarantee non-discriminatory and neutral access to data regardless of the data management model, and promote standardization, cross-border data exchange, in particular with ENTSO for Electricity where relevant to facilitate data exchange*, cyber security and data protection;

Amendment 1424

Pilar del Castillo Vera, Pilar Ayuso, Francesc Gambús

Proposal for a regulation

Article 51 – paragraph 1 – point e

Text proposed by the Commission

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

Amendment

(e) ***neutral*** data management, cyber security and data protection ***in cooperation with relevant authorities and entities***;

Or. en

Amendment 1425

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 51 – paragraph 1 – point e

Text proposed by the Commission

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

Amendment

(e) ***contribute to sound*** data management ***in compliance with the right to privacy***, cyber security and data protection;

Or. en

Amendment 1426

Zdzisław Krasnodębski

Proposal for a regulation

Article 51 – paragraph 1 – point e

Text proposed by the Commission

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

Amendment

(e) ***adopting recommendations relating to*** data management, cyber security and data protection;

Or. en

Amendment 1427

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

Proposal for a regulation
Article 51 – paragraph 1 – point e

Text proposed by the Commission

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

Amendment

(e) ***promotion of neutral*** data management, cyber security and data protection;

Or. en

Amendment 1428
Kathleen Van Brempt

Proposal for a regulation
Article 51 – paragraph 1 – point f

Text proposed by the Commission

(f) ***participation in the elaboration of network codes pursuant to Article 55.***

Amendment

deleted

Or. en

Amendment 1429
Pervenche Berès, Edouard Martin

Proposal for a regulation
Article 51 – paragraph 1 – point f

Text proposed by the Commission

(f) participation in the elaboration of network codes pursuant to Article 55.

Amendment

(f) participation in the ***recommendation, the proposal, the elaboration of network codes and guidelines*** pursuant to Article 55.

Or. en

Justification

The guidelines are very important, even if they have no legal value: they set out the path to be followed. It is therefore important that electricity distributors entity be able to participate in their definition through the future EU-DSO.

Amendment 1430

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 51 – paragraph 1 – point f

Text proposed by the Commission

(f) ***participation in*** the elaboration of network codes pursuant to Article 55.

Amendment

(f) ***contribute to*** the elaboration of network codes ***via issuing opinions*** pursuant to Article 55.

Or. en

Amendment 1431

Kaja Kallas, Carolina Punset, Gerben-Jan Gerbrandy

Proposal for a regulation

Article 51 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(f a) definition of standardised market products, at least for crossborder bidding zones, in cooperation with all relevant market participants including transmission system operators, demand response providers and other system users;

Or. en

Amendment 1432

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

Proposal for a regulation
Article 51 – paragraph 2 – point a

Text proposed by the Commission

(a) cooperate with ENTSO for electricity *on* the monitoring of implementation of the network codes and guidelines which are relevant to the operation and planning of distribution grids and the coordinated operation of the transmission and distribution networks and which are adopted pursuant to this Regulation;

Amendment

(a) cooperate *effectively* with ENTSO for electricity, *the Agency and national regulators to facilitate* the monitoring *by the Agency and where relevant the national regulatory authorities* of implementation of the network codes and guidelines which are relevant to the operation and planning of distribution grids and the coordinated operation of the transmission and distribution networks and which are adopted pursuant to this Regulation;

Or. en

Amendment 1433
Kathleen Van Brempt

Proposal for a regulation
Article 51 – paragraph 2 – point c

Text proposed by the Commission

(c) *work on identifying best practices on the areas identified in paragraph 1 and for the introduction of energy efficiency improvements in the distribution network;*

Amendment

deleted

Or. en

Amendment 1434
Claude Turmes
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 51 – paragraph 2 – point e

Text proposed by the Commission

Amendment

(e) operate in full compliance with competition rules. *deleted*

Or. en

Amendment 1435
Pervenche Berès, Edouard Martin

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

Text proposed by the Commission

Amendment

(e a) Cooperate with ENTSO for electricity in the elaboration of the non-binding community-wide ten-year network development plan.

Or. en

Justification

The Community-wide ten years development plan has an impact on electricity distribution: it is therefore normal that the future entity bringing together electricity distributors should be able to cooperate with ENTSO-E.

Amendment 1436
Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Patrizia Toia, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López

Proposal for a regulation
Article 51 a (new)

Text proposed by the Commission

Amendment

Article 51 a

Adoption of decisions

The EU DSO entity shall adopt decisions with regard to their tasks pursuant to Article 51 by consensus.

Or. en

Amendment 1437

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 52

Text proposed by the Commission

Amendment

Article 52

deleted

***Consultations in the network code
development process***

1. While preparing possible network codes pursuant to Article 55, the EU DSO entity shall conduct an extensive consultation process, at an early stage and in an open and transparent manner, involving all relevant stakeholders, and, in particular, the organisations representing all stakeholders, in accordance with the rules of procedure referred to in Article 50.

That consultation shall also involve national regulatory authorities and other national authorities, supply and generation undertakings, system users including customers, distribution system operators, including relevant industry associations, technical bodies and stakeholder platforms. It shall aim at identifying the views and proposals of all relevant parties during the decision-making process.

2. All documents and minutes of meetings related to the consultations referred to in paragraph 1 shall be made public.

3. The EU DSO entity shall take into consideration the views provided during the consultations. Before adopting proposals for network codes referred to in Article 55 the EU DSO entity shall indicate how the observations received during the consultation have been taken into consideration. It shall provide reasons where observations have not been

taken into account.

Or. en

Amendment 1438
Cornelia Ernst

Proposal for a regulation
Article 52

Text proposed by the Commission

Amendment

Article 52

deleted

***Consultations in the network code
development process***

- 1. While preparing possible network codes pursuant to Article 55, the EU DSO entity shall conduct an extensive consultation process, at an early stage and in an open and transparent manner, involving all relevant stakeholders, and, in particular, the organisations representing all stakeholders, in accordance with the rules of procedure referred to in Article 50. That consultation shall also involve national regulatory authorities and other national authorities, supply and generation undertakings, system users including customers, distribution system operators, including relevant industry associations, technical bodies and stakeholder platforms. It shall aim at identifying the views and proposals of all relevant parties during the decision-making process.***
- 2. All documents and minutes of meetings related to the consultations referred to in paragraph 1 shall be made public.***
- 3. The EU DSO entity shall take into consideration the views provided during the consultations. Before adopting proposals for network codes referred to in Article 55 the EU DSO entity shall indicate how the observations received***

during the consultation have been taken into consideration. It shall provide reasons where observations have not been taken into account.

Or. en

Amendment 1439
Dario Tamburrano, David Borrelli

Proposal for a regulation
Article 52

Text proposed by the Commission

Amendment

Article 52

deleted

Consultations in the network code development process

- 1. While preparing possible network codes pursuant to Article 55, the EU DSO entity shall conduct an extensive consultation process, at an early stage and in an open and transparent manner, involving all relevant stakeholders, and, in particular, the organisations representing all stakeholders, in accordance with the rules of procedure referred to in Article 50. That consultation shall also involve national regulatory authorities and other national authorities, supply and generation undertakings, system users including customers, distribution system operators, including relevant industry associations, technical bodies and stakeholder platforms. It shall aim at identifying the views and proposals of all relevant parties during the decision-making process.*
- 2. All documents and minutes of meetings related to the consultations referred to in paragraph 1 shall be made public.*
- 3. The EU DSO entity shall take into consideration the views provided during the consultations. Before adopting*

proposals for network codes referred to in Article 55 the EU DSO entity shall indicate how the observations received during the consultation have been taken into consideration. It shall provide reasons where observations have not been taken into account.

Or. en

Justification

The proposal to create a EU DSO entity should be scrapped to eliminate the risks of conflicts of interests. This amendment promotes consistency with other amendments.

Amendment 1440

Miroslav Poche

Proposal for a regulation

Article 52 – title

Text proposed by the Commission

Amendment

Consultations in the network code development process

EU DSO Entity Consultations

Or. en

Justification

The EU DSO should have good oversight of its activities, and should consult on all proposals, not only those referring to network code development.

Amendment 1441

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

Proposal for a regulation

Article 52 – paragraph 1

Text proposed by the Commission

Amendment

1. While preparing *possible* network codes pursuant to Article 55, the EU DSO entity shall conduct an extensive

1. While preparing *new* network codes *for technical details of existing Union acts that set the political*

consultation process, at an early stage and in an open and transparent manner, involving all relevant stakeholders, and, in particular, the *organisations* representing all stakeholders, in accordance with the rules of procedure referred to in Article 50. That consultation shall also involve national regulatory authorities and other national authorities, supply and generation undertakings, system users including customers, distribution system operators, including relevant industry associations, technical bodies and stakeholder platforms. It shall aim at identifying the views and proposals of all relevant parties during the decision-making process.

framework pursuant to Article 55, the EU DSO entity shall conduct an extensive consultation process, at an early stage and in an open and transparent manner, involving all relevant stakeholders, and, in particular, the *organizations* representing all stakeholders, in accordance with the rules of procedure referred to in Article 50. That consultation shall also involve national regulatory authorities and other national authorities, supply and generation undertakings, system users including customers, distribution system operators, including relevant industry associations, technical bodies and stakeholder platforms. It shall aim at identifying the views and proposals of all relevant parties during the decision-making process.

Or. en

Amendment 1442
Miroslav Poche

Proposal for a regulation
Article 52 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. While preparing the proposals pursuant to the tasks referred to in Article 51, the EU DSO entity shall submit to the Agency the draft texts of the proposals. Within two months of receipt, the Agency shall provide an opinion to the EU DSO on the draft texts and proposed amendments. If the opinion is positive, the EU DSO can adopt the texts. If the opinion is negative, the EU DSO should redraft the texts. In case of significant changes, the consultation set in paragraphs 1, 2 and 3 shall be repeated.

Or. en

Justification

ACER should be assigned an oversight role for the texts drafted by the EU DSO entity.

Amendment 1443

Miroslav Poche

Proposal for a regulation

Article 52 – paragraph 3

Text proposed by the Commission

3. The EU DSO entity shall take into consideration the views provided during the consultations. Before adopting proposals for network codes referred to in Article 55 the EU DSO entity shall indicate how the observations received during the consultation have been taken into consideration. It shall provide reasons where observations have not been taken into account.

Amendment

3. The EU DSO entity shall take into consideration the views provided during the consultations. Before adopting proposals for network codes referred to in Article 55 ***or proposals pursuant to the tasks referred to in Article 51***, the EU DSO entity shall indicate ***in an accessible publication*** how the observations received during the consultation have been taken into consideration. ***In the same publication***, it shall provide reasons where observations have not been taken into account.

Or. en

Justification

Consultation obligations should not be limited to the development of network codes but should also apply to the work planning processes and the development of network codes, in particular to ensure that consumer delivery is designed in from the outset and that investments offer the greatest value for consumers. The process should facilitate input from non-technical experts that can provide insight on the functioning of the market place.

Amendment 1444

Miroslav Poche

Proposal for a regulation

Article 52 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. An Independent Advisory Council

of stakeholder representatives, in particular system users and final customers, shall be established to provide independent advice to the EU DSO Entity on:

(a) work on identifying best practices for the introduction of energy efficiency improvements in the distribution network asset out in Article 51 (2) (c)

(b) the annual work-programme and annual report as set out in Article 51 (2) (d), and

(c) preparation of possible network codes pursuant to Article 56.

Or. en

Justification

Consultation obligations should not be limited to the development of network codes but should also apply to the work planning processes and the development of network codes, in particular to ensure that consumer delivery is designed in from the outset and that investments offer the greatest value for consumers. The process should facilitate input from non-technical experts that can provide insight on the functioning of the market place.

Amendment 1445

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation

Article 53 – paragraph 1

Text proposed by the Commission

1. Distribution system operators ***shall cooperate with*** transmission system operators in planning and operating their networks. In particular, transmission and distribution system operators shall exchange all necessary information and data regarding, the performance of generation assets and demand side response, the daily operation of their networks and the long-term planning of network investments, with the view to ensure the cost-efficient, ***secure and***

Amendment

1. Distribution system operators ***and*** transmission system operators ***shall cooperate*** in planning and operating their networks. In particular, transmission and distribution system operators shall exchange all necessary information and data regarding, the performance of generation assets and demand side response, the daily operation of their networks and the long-term planning of network investments, with the view to ensure the cost-efficient ***development and***

reliable development and operation of their networks.

operation and the secure and reliable operation of their networks.

Or. en

Amendment 1446

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 53 – paragraph 2

Text proposed by the Commission

2. Transmission and distribution system operators shall cooperate in order to achieve coordinated access to resources such as distributed generation, energy storage or demand response that may support particular needs of both the distribution system and the transmission system.

Amendment

2. Transmission and distribution system operators shall cooperate in order to achieve coordinated access to resources such as distributed generation, energy storage or demand response that may support particular needs of both the distribution system and the transmission system. ***They shall not sign contracts with providers of these resources that prevent them from selling their services in other markets. Standardised products for flexibility shall be defined per market zone, with the cooperation of transmission and distribution system operators, demand response service providers, other system users and with regulatory oversight pursuant to Article 32 of the [Electricity Directive].***

Or. en

Amendment 1447

Dario Tamburrano, David Borrelli

Proposal for a regulation

Article 53 – paragraph 2

Text proposed by the Commission

2. Transmission and distribution

Amendment

2. Transmission and distribution

system operators shall cooperate in order to achieve coordinated access to resources such as distributed generation, energy storage or demand response that may support particular needs of both the distribution system and the transmission system.

system operators shall cooperate in order to achieve coordinated access to resources such as distributed generation, energy storage or demand response that may support particular needs of both the distribution system and the transmission system. ***They must not sign contracts with providers of these resources that prevent them from selling their services in other markets.***

Or. en

Amendment 1448

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 53 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The ENTSO for Electricity and the EU DSO entity shall make a proposal on the establishment of a formal cooperation mechanism between distribution system operators and transmission system operators with the objective to maximizing the contribution of all players (inter alia market agents, cooperatives, energy communities) to the achievement of the EU climate and energy targets and objectives. The proposal shall identify, inter alia, the following elements:

- describe the functions of the cooperation mechanism

- outline the respective responsibilities of transmission and distribution system operators in service management

- establish concrete coordination mechanisms

- identify all necessary changes in existing EU Network Codes

- analyse functional impacts on the relationship with other local players

Or. en

Amendment 1449

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

Proposal for a regulation

Article 54 – paragraph 1

Text proposed by the Commission

1. The Commission may, subject to the empowerments in Articles 55 and 57, adopt delegated acts. Such delegated acts can either be adopted as network codes on the basis of text proposals developed by the ENTSO for Electricity, or, where so decided in the priority list pursuant to Article 55 paragraph 2, by the EU DSO entity and the Agency pursuant to the procedure in Article 55 or as guidelines pursuant to the procedure in Article 57.

Amendment

1. ***The general political framework for network codes and guidelines shall be first adopted by Union law following the ordinary legislative procedure.*** The Commission may, subject to the empowerments in Articles 55 and 57, adopt delegated acts ***for the technical specifications of network codes and guidelines where the general political framework has been adopted by Union law.*** Such delegated acts can either be adopted as network codes on the basis of text proposals developed by the ENTSO for Electricity, or, where so decided in the priority list pursuant to Article 55 paragraph 2, by the EU DSO entity and the Agency pursuant to the procedure in Article 55 or as guidelines pursuant to the procedure in Article 57.

Or. en

Amendment 1450

Cornelia Ernst

Proposal for a regulation

Article 54 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission may, subject to the empowerments in Articles 55 and 57, adopt delegated acts. Such delegated acts can either be adopted as network codes on the basis of text proposals developed by the ENTSO for Electricity, *or, where so decided in the priority list pursuant to Article 55 paragraph 2, by the EU DSO entity and the Agency* pursuant to the procedure in Article 55 or as guidelines pursuant to the procedure in Article 57.

1. The Commission may, subject to the empowerments in Articles 55 and 57, adopt delegated acts. Such delegated acts can either be adopted as network codes on the basis of text proposals developed by the ENTSO for Electricity, pursuant to the procedure in Article 55 or as guidelines pursuant to the procedure in Article 57.

Or. en

Amendment 1451

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 54 – paragraph 1

Text proposed by the Commission

1. The Commission may, subject to the empowerments in Articles 55 and 57, adopt delegated acts. Such delegated acts can either be adopted as network codes on the basis of text proposals developed by the ENTSO for Electricity, or, where so decided in the priority list pursuant to Article 55 paragraph 2, by the EU DSO entity and the Agency pursuant to the procedure in Article 55 or as guidelines pursuant to the procedure in Article 57.

Amendment

1. The Commission may, subject to the empowerments in Articles 55 and 57, adopt delegated acts. Such delegated acts can either be adopted as network codes on the basis of text proposals *an opinion* developed by the ENTSO for Electricity, or, where so decided in the priority list pursuant to Article 55 paragraph 2, by the EU DSO entity and *a proposal developed by* the Agency pursuant to the procedure in Article 55 or as guidelines pursuant to the procedure in Article 57.

Or. en

Amendment 1452

Evžen Tošenovský

Proposal for a regulation

Article 54 – paragraph 1

Text proposed by the Commission

1. The Commission may, subject to the empowerments in Articles 55 and 57, adopt ***delegated acts***. ***Such delegated*** acts can either be adopted as network codes on the basis of text proposals developed by the ENTSO for Electricity, or, where so decided in the priority list pursuant to Article 55 paragraph 2, by the EU DSO entity and the Agency pursuant to the procedure in Article 55 or as guidelines pursuant to the procedure in Article 57.

Amendment

1. The Commission may, subject to the empowerments in Articles 55 and 57, adopt ***implementing acts***. ***Such implementing*** acts can either be adopted as network codes on the basis of text proposals developed by the ENTSO for Electricity, or, where so decided in the priority list pursuant to Article 55 paragraph 2, by the EU DSO entity and the Agency pursuant to the procedure in Article 55 or as guidelines pursuant to the procedure in Article 57.

Or. en

Amendment 1453
Jaromír Kohlíček

Proposal for a regulation
Article 54 – paragraph 1

Text proposed by the Commission

1. The Commission may, subject to the empowerments in Articles 55 and 57, adopt ***delegated acts***. ***Such delegated*** acts can either be adopted as network codes on the basis of text proposals developed by the ENTSO for Electricity, or, where so decided in the priority list pursuant to Article 55 paragraph 2, by the EU DSO entity and the Agency pursuant to the procedure in Article 55 or as guidelines pursuant to the procedure in Article 57.

Amendment

1. The Commission may, subject to the empowerments in Articles 55 and 57, adopt ***implementing acts***. ***Such implementing*** acts can either be adopted as network codes on the basis of text proposals developed by the ENTSO for Electricity, or, where so decided in the priority list pursuant to Article 55 paragraph 2, by the EU DSO entity and the Agency pursuant to the procedure in Article 55 or as guidelines pursuant to the procedure in Article 57.

Or. en

Justification

It is necessary to evaluate extent and form of use of delegated acts in all cases proposed by the Directive and reflected in the Regulation. From the proposal of the Directive it is not clear, what was the rationale behind use of implementing acts (e.g. data format in Article.24 of the Directive) or in other cases use of delegated (Article 61 on ACER or Article 63 on

network codes). It is therefore not clear what “rule” was used to set which form of act to use to specific topics.

Amendment 1454

Zdzisław Krasnodębski

Proposal for a regulation

Article 54 – paragraph 1

Text proposed by the Commission

1. The Commission may, subject to the empowerments in Articles 55 and 57, adopt **delegated acts**. **Such delegated acts** can either be adopted as network codes on the basis of text proposals developed by the ENTSO for Electricity, or, where so decided in the priority list pursuant to Article 55 paragraph 2, by the EU DSO entity and the Agency pursuant to the procedure in Article 55 or as guidelines pursuant to the procedure in Article 57.

Amendment

1. The Commission may, subject to the empowerments in Articles 55 and 57, adopt **implementing acts**. **Such implementing acts** can either be adopted as network codes on the basis of text proposals developed by the ENTSO for Electricity, or, where so decided in the priority list pursuant to Article 55 paragraph 2, by the EU DSO entity and the Agency pursuant to the procedure in Article 55 or as guidelines pursuant to the procedure in Article 57.

Or. en

Amendment 1455

Dario Tamburrano, David Borrelli

Proposal for a regulation

Article 54 – paragraph 1

Text proposed by the Commission

1. The Commission may, subject to the empowerments in Articles 55 and 57, adopt delegated acts. Such delegated acts can either be adopted as network codes on the basis of text proposals developed by the ENTSO for Electricity, or, where so decided in the priority list pursuant to Article 55 paragraph 2, by the **EU DSO entity and the Agency** pursuant to the procedure in Article 55 or as guidelines

Amendment

1. The Commission may, subject to the empowerments in Articles 55 and 57, adopt delegated acts. Such delegated acts can either be adopted as network codes on the basis of text proposals developed by the ENTSO for Electricity, or, where so decided in the priority list pursuant to Article 55 paragraph 2, by the Agency pursuant to the procedure in Article 55 or as guidelines pursuant to the procedure in

pursuant to the procedure in Article 57.

Article 57.

Or. en

Justification

The proposal to create a EU DSO entity should be scrapped to eliminate the risks of conflicts of interests. This amendment promotes consistency with other amendments.

Amendment 1456

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

Proposal for a regulation

Article 54 – paragraph 2 – point –a (new)

Text proposed by the Commission

Amendment

(-a) be solely of a technical nature

Or. en

Amendment 1457

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

Proposal for a regulation

Article 54 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) ensure that they provide the minimum degree of harmonisation required to achieve the aims of this Regulation;

(a) ensure that they provide the minimum degree of ***technical*** harmonisation required to achieve the aims of this Regulation;

Or. en

Amendment 1458

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

Proposal for a regulation
Article 55 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission is empowered to adopt delegated acts in accordance with Article 63 concerning the establishment of network codes *in the* following areas:

Amendment

1. The Commission is empowered to adopt delegated acts *for precise and technically detailed rules with cross-border relevance* in accordance with Article 63 concerning the establishment of network codes. *Prior to adopting a delegated act for the establishment of a new network code or for the modification of an existing network code, the Commission shall present a legislative proposal following the ordinary legislative procedure to adopt the political framework.*

Or. en

Amendment 1459
Zdzisław Krasnodębski

Proposal for a regulation
Article 55 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission is empowered to *adopt delegated acts* in accordance with Article 63 *concerning the establishment of network codes* in the following areas:

Amendment

1. The Commission is empowered to *establish network codes, by means of implementing acts adopted* in accordance with *the examination procedure referred to in* Article 62(2), in the following areas:

Or. en

Amendment 1460
Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation
Article 55 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. The Commission is empowered to adopt delegated acts in accordance with Article 63 concerning the establishment of network codes in the following areas:

1. The Commission is empowered *for five years* to adopt delegated acts in accordance with Article 63 concerning the establishment of network codes in *cover* the following areas:

Or. en

Amendment 1461

Jaromír Kohlíček

Proposal for a regulation

Article 55 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission is empowered to adopt *delegated* acts in accordance with Article 63 concerning the establishment of network codes in the following areas:

Amendment

1. The Commission is empowered to adopt *implementing* acts in accordance with Article 63 concerning the establishment of network codes in the following areas:

Or. en

Justification

Alternate wording is in line with our comment on delegated acts as it is necessary to evaluate extent and form of use of delegated acts in all cases proposed by the Directive and reflected in the Regulation. From the proposal of the Directive it is not clear, what was the rationale behind use of implementing acts (e.g. data format in Article.24 of the Directive) or in other cases use of delegated (Article 61 on ACER or Article 63 on network codes).It is therefore not clear what “rule” was used to set which form of act to use to specific topics.

Amendment 1462

Evžen Tošenovský

Proposal for a regulation

Article 55 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission is empowered to adopt *delegated* acts in accordance with Article 63 concerning the establishment of

Amendment

1. The Commission is empowered to adopt *implementing* acts in accordance with Article 63 concerning the establishment of network codes in the

network codes in the following areas:

following areas:

Or. en

Amendment 1463

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation

Article 55 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) capacity-allocation and congestion-management rules ***including curtailment of generation and redispatch of generation and demand*** ;

(g) capacity-allocation and congestion-management rules;

Or. en

Amendment 1464

Jaromír Kohlíček

Proposal for a regulation

Article 55 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) capacity-allocation and congestion-management rules ***including curtailment of generation and redispatch of generation and demand*** ;

(g) capacity-allocation and congestion-management rules;

Or. en

Justification

Removal of the text is in line with our current position as stated in article 20.

Amendment 1465

Evžen Tošenovský

Proposal for a regulation

Article 55 – paragraph 1 – point g

Text proposed by the Commission

(g) capacity-allocation and congestion-management rules ***including curtailment of generation and redispatch of generation and demand ;***

Amendment

(g) capacity-allocation and congestion-management rules

Or. en

Amendment 1466

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

Proposal for a regulation

Article 55 – paragraph 1 – point g

Text proposed by the Commission

(g) capacity-allocation and congestion-management rules ***including curtailment of generation and redispatch of generation and demand ;***

Amendment

(g) capacity-allocation and congestion-management rules ;

Or. en

Amendment 1467

Angelika Niebler, Sven Schulze

Proposal for a regulation

Article 55 – paragraph 1 – point k

Text proposed by the Commission

(k) ***rules regarding harmonised transmission and distribution tariff structures and connection charges including locational signals and inter-transmission system operator compensation rules;***

Amendment

deleted

Or. de

Justification

Methods of setting tariffs, and network tariffs, are based on national and regional influences. Harmonisation of network tariffs would be contrary to the subsidiarity principle. It is therefore not the role of ACER to issue a recommendation on this.

Amendment 1468
Françoise Grossetête

Proposal for a regulation
Article 55 – paragraph 1 – point k

Text proposed by the Commission

Amendment

(k) rules regarding harmonised transmission and distribution tariff structures and connection charges including locational signals and inter-transmission system operator compensation rules; *deleted*

Or. en

Amendment 1469
Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation
Article 55 – paragraph 1 – point k

Text proposed by the Commission

Amendment

(k) rules regarding harmonised transmission and distribution tariff structures and connection charges including locational signals and inter-transmission system operator compensation rules; *deleted*

Or. en

Amendment 1470
Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Miroslav Poche, José Blanco López, Soledad Cabezón Ruiz

Proposal for a regulation
Article 55 – paragraph 1 – point k

Text proposed by the Commission

(k) rules regarding harmonised transmission *and distribution* tariff structures *and connection charges* including locational signals and inter-transmission system operator compensation rules;

Amendment

(k) rules regarding harmonised transmission tariff structures including locational signals and inter-transmission system operator compensation rules;

Or. en

Amendment 1471

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 55 – paragraph 1 – point k

Text proposed by the Commission

(k) rules regarding harmonised transmission *and distribution* tariff structures *and connection charges* including locational signals and inter-transmission system operator compensation rules;

Amendment

(k) rules regarding harmonised transmission tariff structures including locational signals and inter-transmission system operator compensation rules;

Or. en

Justification

Due to the regional differences and variations, it does not seem opportune to allow for EU wide harmonisation of distribution tariff structures.

Amendment 1472

Pilar del Castillo Vera, Pilar Ayuso, Francesc Gambús

Proposal for a regulation
Article 55 – paragraph 1 – point k

Text proposed by the Commission

Amendment

(k) rules regarding harmonised transmission **and distribution** tariff structures **and connection charges** including locational signals and inter-transmission system operator compensation rules;

(k) rules regarding harmonised transmission tariff structures including locational signals and inter-transmission system operator compensation rules;

Or. en

Amendment 1473
Jaromír Kohlíček

Proposal for a regulation
Article 55 – paragraph 1 – point k

Text proposed by the Commission

Amendment

(k) rules regarding harmonised transmission **and distribution** tariff structures and connection charges including locational signals and inter-transmission system operator compensation rules;

(k) rules regarding harmonised transmission tariff structures and connection charges including locational signals and inter-transmission system operator compensation rules;

Or. en

Justification

Considering various natural aspects and characteristics of distribution grid among Member State, it won't be possible to implement harmonization of distribution tariffs on EU level. The same argument applies in letter (n) of this article.

Amendment 1474
Miapetra Kumpula-Natri

Proposal for a regulation
Article 55 – paragraph 1 – point k

Text proposed by the Commission

Amendment

(k) rules regarding harmonised transmission **and distribution** tariff structures and connection charges

(k) rules regarding harmonised transmission tariff structures and connection charges including locational

including locational signals and inter-transmission system operator compensation rules;

signals and inter-transmission system operator compensation rules;

Or. en

Justification

Given the fast paced evolution of energy systems, NC on distribution tariff structure is not justified given their low cross-border impact and their strong interlink with local specificities.

Amendment 1475

Evžen Tošenovský

Proposal for a regulation

Article 55 – paragraph 1 – point k

Text proposed by the Commission

(k) rules regarding harmonised transmission *and distribution* tariff structures and connection charges including locational signals and inter-transmission system operator compensation rules;

Amendment

(k) rules regarding harmonised transmission tariff structures and connection charges including locational signals and inter-transmission system operator compensation rules;

Or. en

Amendment 1476

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

Proposal for a regulation

Article 55 – paragraph 1 – point m

Text proposed by the Commission

(m) *rules for non-discriminatory, transparent provision of non-frequency ancillary services, including steady state voltage control, inertia, fast reactive current injection, black-start capability;*

Amendment

deleted

Or. en

Amendment 1477

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation

Article 55 – paragraph 1 – point m

Text proposed by the Commission

Amendment

(m) rules for non-discriminatory, transparent provision of non-frequency ancillary services, including steady state voltage control, inertia, fast reactive current injection, black-start capability; *deleted*

Or. en

Amendment 1478

Evžen Tošenovský

Proposal for a regulation

Article 55 – paragraph 1 – point n

Text proposed by the Commission

Amendment

(n) demand response, including aggregation, energy storage, and demand curtailment rules; *deleted*

Or. en

Amendment 1479

Jaromír Kohlíček

Proposal for a regulation

Article 55 – paragraph 1 – point n

Text proposed by the Commission

Amendment

(n) demand response, including aggregation, energy storage, and demand curtailment rules; *deleted*

Justification

In this Regulation it is clearly mentioned that rules concerning regional operational centres should be set by TSOs. For this reason, it is not clear why it is necessary to have additional legal decree for ROCs. It is also our opinion that all of such important provisions should be explicitly mentioned in the text of this Regulation.

Amendment 1480

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

Proposal for a regulation

Article 55 – paragraph 1 – point n

Text proposed by the Commission

Amendment

(n) demand response, including aggregation, energy storage, and demand curtailment rules;

deleted

Or. en

Amendment 1481

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

Proposal for a regulation

Article 55 – paragraph 1 – point n

Text proposed by the Commission

Amendment

(n) demand response, including aggregation, *energy storage*, and demand curtailment rules;

(n) demand response, including aggregation, and demand curtailment rules;

Or. en

Amendment 1482

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

Proposal for a regulation

Article 55 – paragraph 1 – point n a (new)

Text proposed by the Commission

Amendment

(n a) energy storage ;

Or. en

Amendment 1483

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation

Article 55 – paragraph 1 – point o

Text proposed by the Commission

Amendment

(o) cyber security rules; and

deleted

Or. en

Justification

Already several European bodies dealing with the issue (such as ENISA) and a network code would most likely overlap with other regulations and public information should be restricted to what is necessary.

Amendment 1484

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

Proposal for a regulation

Article 55 – paragraph 1 – point o

Text proposed by the Commission

Amendment

(o) cyber security rules; and

deleted

Or. en

Amendment 1485

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation

Article 55 – paragraph 1 – point p

Text proposed by the Commission

Amendment

(p) rules concerning regional operational centres. **deleted**

Or. en

Justification

Rules for regional coordination centres naturally fall under System Operation Guidelines as they would provide additional level of detail on how in practice the coordination should be executed.

Amendment 1486

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

Proposal for a regulation

Article 55 – paragraph 1 – point p

Text proposed by the Commission

Amendment

(p) rules concerning regional operational centres. **deleted**

Or. en

Amendment 1487

Paul Rübzig

Proposal for a regulation

Article 55 – paragraph 1 – point p a (new)

Text proposed by the Commission

Amendment

(p a) Energy storage

Or. en

Amendment 1488

Cornelia Ernst

Proposal for a regulation
Article 55 – paragraph 2

Text proposed by the Commission

2. The Commission shall, after consulting the Agency, the ENTSO for Electricity and the other relevant stakeholders, establish a priority list every three years, identifying the areas set out in paragraph 1 to be included in the development of network codes. ***If the subject-matter of the network code is directly related to the operation of the distribution system and less relevant for the transmission system, the Commission may require the EU DSO entity for electricity instead of the ENTSO for Electricity to convene a drafting committee and submit a proposal for a network code to the agency.***

Amendment

2. The Commission shall, after consulting the Agency, the ENTSO for Electricity and the other relevant stakeholders, establish a priority list every three years, identifying the areas set out in paragraph 1 to be included in the development of network codes.

Or. en

Amendment 1489

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 55 – paragraph 2

Text proposed by the Commission

2. The Commission shall, after consulting the Agency, the ENTSO for Electricity and the other relevant stakeholders, establish ***a*** priority list every three years, identifying the areas set out in paragraph 1 to be included in the development of network codes. ***If the subject-matter of the network code is directly related to the operation of the distribution system and less relevant for the transmission system, the Commission may require the EU DSO entity for electricity instead of the ENTSO for***

Amendment

2. The Commission shall, after consulting the Agency, the ENTSO for Electricity, ***the EU DSO entity*** and the other relevant stakeholders, establish ***an annual*** priority list every three years, identifying the areas set out in paragraph 1 ***Article 8(6)*** to be included in the development of network codes.

Electricity to convene a drafting committee and submit a proposal for a network code to the agency.

Or. en

Justification

This regulation introduces a European entity for distribution system operators in Articles 49-51. Tasks related to this entity must therefore be aligned to the provision of this Article and especially regarding the cooperation between TSOs and DSOs also to Article 53.

Amendment 1490

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

**Proposal for a regulation
Article 55 – paragraph 2**

Text proposed by the Commission

2. The Commission shall, after consulting the Agency, the ENTSO for Electricity and the other relevant stakeholders, establish a priority list every three years, identifying the areas set out in paragraph 1 to be included in the development of network codes. If the subject-matter of the network code is directly related to the operation of the distribution system and less relevant for the transmission system, the Commission may require the EU DSO entity for electricity instead of the ENTSO for Electricity to convene a drafting committee and submit a proposal for a network code to the agency.

Amendment

2. The Commission shall, after consulting the Agency, the ENTSO for Electricity and the other relevant stakeholders, establish a priority list every three years, identifying the areas set out in paragraph 1 to be included in the development of network codes. If the subject-matter of the network code is directly related to the operation of the distribution system and less relevant for the transmission system, the Commission may require the EU DSO entity for electricity instead of the ENTSO for Electricity to convene a drafting committee and submit a proposal for a network code to the agency. ***The EU DSO entity shall ensure that the drafting committee convened has a geographically-balanced representation, including small or independent distribution system operators and is subject to rules related to independence and the prevention of conflict of interests.***

Or. en

Amendment 1491
Pervenche Berès, Edouard Martin

Proposal for a regulation
Article 55 – paragraph 2

Text proposed by the Commission

2. The Commission shall, after consulting the Agency, the ENTSO for Electricity **and** the other relevant stakeholders, establish a priority list every three years, identifying the areas set out in paragraph 1 to be included in the development of network codes. If the subject-matter of the network code is directly related to the operation of the distribution system and less relevant for the transmission system, the Commission may require the EU DSO entity for electricity instead of the ENTSO for Electricity to convene a drafting committee and submit a proposal for a network code to the agency.

Amendment

2. The Commission shall, after consulting the Agency, the ENTSO for Electricity, **the EU DSO entity for electricity as well as** the other relevant stakeholders, establish a priority list every three years, identifying the areas set out in paragraph 1 to be included in the development of network codes **following a thorough cost-benefit analysis**. If the subject-matter of the network code is directly related to the operation of the distribution system and less relevant for the transmission system, the Commission may require the EU DSO entity for electricity instead of the ENTSO for Electricity to convene a drafting committee and submit a proposal for a network code to the agency.

Or. en

Justification

There should be a parity between ENTSO-E and EU-DSO. Cost-benefit analysis is important so that consumers can be informed of the rationale for a decision.

Amendment 1492
Fulvio Martusciello

Proposal for a regulation
Article 55 – paragraph 2

Text proposed by the Commission

2. The Commission shall, after consulting the Agency, the ENTSO for Electricity and the other relevant stakeholders, establish **a** priority list every

Amendment

2. The Commission shall, after consulting the Agency, the ENTSO for Electricity, **the distribution system operators** and the other relevant

three years, identifying the areas set out in paragraph 1 to be included in the development of network codes. If the subject-matter of the network code is directly related to the operation of the distribution system and less relevant for the transmission system, the Commission may require the EU DSO entity for electricity instead of the ENTSO for Electricity to convene a drafting committee and submit a proposal for a network code to the agency.

stakeholders, establish **an annual** priority list every three years, identifying the areas set out in paragraph 1 to be included in the development of network codes. If the subject-matter of the network code is directly related to the operation of the distribution system and less relevant for the transmission system, the Commission may require the EU DSO entity for electricity instead of the ENTSO for Electricity to convene a drafting committee and submit a proposal for a network code to the agency.

Or. en

Amendment 1493

Dario Tamburrano, David Borrelli

Proposal for a regulation

Article 55 – paragraph 2

Text proposed by the Commission

2. The Commission shall, after consulting the Agency, the ENTSO for Electricity and the other relevant stakeholders, establish a priority list every three years, identifying the areas set out in paragraph 1 to be included in the development of network codes. If the subject-matter of the network code is directly related to the operation of the distribution system and less relevant for the transmission system, the Commission may require the **EU DSO entity for electricity** instead of the ENTSO for Electricity to convene a **drafting** committee and submit a proposal for a network code **to the agency**.

Amendment

2. The Commission shall, after consulting the Agency, the ENTSO for Electricity and the other relevant stakeholders, establish a priority list every three years, identifying the areas set out in paragraph 1 to be included in the development of network codes. If the subject-matter of the network code is directly related to the operation of the distribution system and less relevant for the transmission system, the Commission may require the **Agency** instead of the ENTSO for Electricity to convene a **stakeholder** committee and submit a proposal for a network code.

Or. en

Justification

In the absence of a EU DSO, ACER should be drafting and monitoring the implementation of network codes related to distribution networks. ACER should also have the authority to convene the network codes “drafting committees”. These “drafting committees” should be

renamed “stakeholder committees” to prevent any misinterpretation regarding their role: the committees should have a consultative, supporting role but should not “hold the pen” in the drafting of network codes.

Amendment 1494

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation

Article 55 – paragraph 2

Text proposed by the Commission

2. The Commission shall, after consulting the Agency, the ENTSO for Electricity and the other relevant stakeholders, establish a priority list every three years, identifying the areas set out in paragraph 1 to be included in the development of network codes. If the subject-matter of the network code is directly related to the operation of the distribution system and less relevant for the transmission system, the Commission *may* require the EU DSO entity for electricity instead of the ENTSO for Electricity to convene a drafting committee and submit a proposal for a network code to the agency.

Amendment

2. The Commission shall, after consulting the Agency, the ENTSO for Electricity, *the EU DSO entity* and the other relevant stakeholders, establish a priority list every three years, identifying the areas set out in paragraph 1 to be included in the development of network codes. If the subject-matter of the network code is directly related to the operation of the distribution system and less relevant for the transmission system, the Commission *shall* require the EU DSO entity for electricity instead of the ENTSO for Electricity to convene a drafting committee and submit a proposal for a network code to the agency.

Or. en

Amendment 1495

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

Proposal for a regulation

Article 55 – paragraph 2

Text proposed by the Commission

2. The Commission shall, after consulting the Agency, the ENTSO for Electricity and the other relevant stakeholders, establish a priority list every three years, identifying *the* areas *set out in*

Amendment

2. The Commission shall, after consulting the Agency, the ENTSO for Electricity and the other relevant stakeholders, establish a priority list every three years identifying areas to be included

paragraph 1 to be included in the development of network codes. If the subject-matter of the network code is directly related to the operation of the distribution system and less relevant for the transmission system, the Commission may require the EU DSO entity for electricity instead of the ENTSO for Electricity to convene a drafting committee and submit a proposal for a network code to the agency.

in *the legislative planning and* the development of network codes. If the subject-matter of the network code is directly related to the operation of the distribution system and less relevant for the transmission system, the Commission may require the EU DSO entity for electricity instead of the ENTSO for Electricity to convene a drafting committee and submit a proposal for a network code to the agency.

Or. en

Amendment 1496

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 55 – paragraph 3

Text proposed by the Commission

3. The Commission shall request the Agency to submit to it within a reasonable period of time not exceeding six months a non-binding framework guideline (framework guideline) setting out clear and objective principles for the development of network codes relating to the areas identified in the priority list. The request of the Commission may include conditions which the framework guideline shall address. Each framework guideline shall contribute to market integration, non-discrimination, effective competition, and the efficient functioning of the market. Upon a reasoned request from the Agency, the Commission may extend that period.

Amendment

3. The Commission shall request the Agency to submit to it within a reasonable period of time not exceeding six months a non-binding framework guideline (framework guideline) setting out clear and objective principles for the development of network codes relating to the areas identified in the priority list. The request of the Commission may include conditions which the framework guideline shall address. Each framework guideline shall contribute to ***a better market integration of high levels of electricity generated from variable renewable energy sources***, non-discrimination, effective competition, and the efficient functioning of the market. Upon a reasoned request from the Agency, the Commission may extend that period.

Or. en

Amendment 1497

Dario Tamburrano, David Borrelli

Proposal for a regulation

Article 55 – paragraph 4

Text proposed by the Commission

4. The Agency shall formally consult the ENTSO for Electricity , ***the EU DSO entity***, and the other relevant stakeholders in regard to the framework guideline, during a period of no less than two months, in an open and transparent manner.

Amendment

4. The Agency shall formally consult the ENTSO for Electricity and the other relevant stakeholders in regard to the framework guideline, during a period of no less than two months, in an open and transparent manner.

Or. en

Justification

This amendment promotes consistency with other amendments. In addition, in order to provide clarification around the distinct roles and responsibilities to elaborate network codes, provisions on network codes related to the distribution grid should be dealt with in another sub-paragraph. Hence, the content of this paragraph is limited to network codes falling within the scope of ENTSO-E's remit

Amendment 1498

Cornelia Ernst

Proposal for a regulation

Article 55 – paragraph 4

Text proposed by the Commission

4. The Agency shall formally consult the ENTSO for Electricity , ***the EU DSO entity***, and the other relevant stakeholders in regard to the framework guideline, during a period of no less than two months, in an open and transparent manner.

Amendment

4. The Agency shall formally consult the ENTSO for Electricity , and the other relevant stakeholders in regard to the framework guideline, during a period of no less than two months, in an open and transparent manner.

Or. en

Amendment 1499

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 55 – paragraph 6

Text proposed by the Commission

6. If the Commission considers that the framework guideline does not contribute to market integration, non-discrimination, effective competition and the efficient functioning of the market, it may request the Agency to review the framework guideline within a reasonable period of time and re-submit it to the Commission.

Amendment

6. If the Commission considers that the framework guideline does not contribute to ***a better*** market integration ***of high levels of electricity generated from variable renewable energy sources***, non-discrimination, effective competition and the efficient functioning of the market, it may request the Agency to review the framework guideline within a reasonable period of time and re-submit it to the Commission.

Or. en

Amendment 1500
Dario Tamburrano, David Borrelli

Proposal for a regulation
Article 55 – paragraph 8

Text proposed by the Commission

8. The Commission shall request the ENTSO for Electricity ***or, where so decided in the priority list pursuant to paragraph 2, the EU DSO entity for Electricity***, to submit a proposal for a network code which is in line with the relevant framework guideline, to the Agency within a reasonable period of time not exceeding 12 months.

Amendment

8. The Commission shall request the ENTSO for Electricity to submit a proposal for a network code which is in line with the relevant framework guideline, to the Agency within a reasonable period of time not exceeding 12 months.

Or. en

Justification

This amendment promotes consistency with other amendments. In addition, in order to provide clarification around the distinct roles and responsibilities to elaborate network codes, provisions on network codes related to the distribution grid should be dealt with in another sub-paragraph. Hence, the content of this paragraph is limited to network codes falling within the scope of ENTSO-E's remit.

Amendment 1501
Cornelia Ernst

Proposal for a regulation
Article 55 – paragraph 8

Text proposed by the Commission

8. The Commission shall request the ENTSO for Electricity *or, where so decided in the priority list pursuant to paragraph 2, the EU DSO entity for Electricity*, to submit a proposal for a network code which is in line with the relevant framework guideline, to the Agency within a reasonable period of time not exceeding 12 months.

Amendment

8. The Commission shall request the ENTSO for Electricity to submit a proposal for a network code which is in line with the relevant framework guideline, to the Agency within a reasonable period of time not exceeding 12 months.

Or. en

Amendment 1502
Claude Turmes
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 55 – paragraph 8

Text proposed by the Commission

8. The Commission shall request the ENTSO for Electricity or, where so decided in the priority list pursuant to paragraph 2, the EU DSO entity for Electricity, to submit *a proposal for* a network code which is in line with the relevant framework guideline, to the Agency within a reasonable period of time not exceeding 12 months.

Amendment

8. The Commission shall request the ENTSO for Electricity or, where so decided in the priority list pursuant to paragraph 2, the EU DSO entity for Electricity, to submit *an opinion for on* a network code which is in line with the relevant framework guideline, to the Agency within a reasonable period of time not exceeding 12 months

Or. en

Justification

This regulation introduces a European entity for distribution system operators in Articles 49-51. Tasks related to this entity must therefore be aligned to the provision of this Article and especially regarding the cooperation between TSOs and DSOs also to Article 53.

Amendment 1503

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 55 – paragraph 9

Text proposed by the Commission

9. The ***ENTSO for Electricity, or where so decided in the priority list pursuant to paragraph 2, the EU DSO entity***, shall convene a drafting committee to support it in the network code development process. The drafting committee shall consist of representatives of the ENTSO for Electricity, the Agency, the EU DSO entity, where appropriate of nominated electricity market operators ***and a limited number of*** the main affected stakeholders. ***The ENTSO for Electricity or where so decided in the priority list pursuant to paragraph 2 the EU DSO entity***, shall elaborate proposals for network codes in the areas referred to in paragraph 1 upon a request addressed to it by the Commission in accordance with paragraph 8.

Amendment

9. The **Agency**, shall convene a drafting committee to support it in the network code development process. The drafting committee shall consist of representatives of the ENTSO for Electricity, the Agency, the EU DSO entity, where appropriate of nominated electricity market operators, the main affected stakeholders, ***including third party market operators, and any other external source of expertise from the academic world or civil society organisations.*** The Agency shall elaborate proposals for ***network codes*** in the areas referred to in ***paragraph 6 Article*** paragraph 1 upon a request addressed to it by the Commission in accordance with paragraph 8;

Or. en

Justification

This regulation introduces a European entity for distribution system operators in Articles 49-51. Tasks related to this entity must therefore be aligned to the provision of this Article and especially regarding the cooperation between TSOs and DSOs also to Article 53.

Amendment 1504

Dario Tamburrano, David Borrelli

Proposal for a regulation
Article 55 – paragraph 9

Text proposed by the Commission

9. The ENTSO for Electricity, *or where so decided in the priority list pursuant to paragraph 2, the EU DSO entity*, shall convene a **drafting** committee to support it in the network code development process. The **drafting** committee shall consist of representatives of the ENTSO for Electricity, the Agency, *the EU DSO entity, where appropriate of* nominated electricity market operators *and a limited number of the main affected stakeholders*. The ENTSO for Electricity *or where so decided in the priority list pursuant to paragraph 2 the EU DSO entity*, shall elaborate proposals for network codes in the areas referred to in paragraph 1 upon a request addressed to it by the Commission in accordance with paragraph 8.

Amendment

9. The ENTSO for Electricity shall convene a **stakeholder** committee to support it in the network code development process. The **stakeholder** committee shall consist of representatives of the ENTSO for Electricity, the Agency, *and of other affected stakeholders who are likely to have an interest in the network code, including distribution system operators*, nominated electricity market operators *system users, relevant industry associations, technical bodies and consumer associations*. The ENTSO for Electricity shall elaborate proposals for network codes in the areas referred to in paragraph 1 upon a request addressed to it by the Commission in accordance with paragraph 8.

Or. en

Justification

Existing language on the “drafting committee” (renamed “stakeholder committee”) including “a limited number of the main affected stakeholders” is too vague and could limit participation. In order to ensure that the process is not captured by large industry associations, the Electricity Regulation should ensure that all relevant stakeholders who are likely to have an interest in the network code, particularly smaller less-resourced ones, can support the network code development process and are adequately represented. Furthermore, in order to provide clarification around the distinct roles and responsibilities to elaborate network codes, provisions on network codes related to the distribution grid should be moved to another sub-paragraph. Hence, the content of this paragraph is limited to network codes falling within the scope of ENTSO-E’s remit.

Amendment 1505
Cornelia Ernst

Proposal for a regulation
Article 55 – paragraph 9

Text proposed by the Commission

9. The ENTSO for Electricity, **or where so decided in the priority list pursuant to paragraph 2, the EU DSO entity**, shall convene a **drafting** committee to support it in the network code development process. The **drafting** committee shall consist of representatives of the ENTSO for Electricity, the Agency, **the EU DSO entity, where appropriate of nominated electricity market operators and a limited number of the main affected stakeholders. The ENTSO for Electricity or where so decided in the priority list pursuant to paragraph 2 the EU DSO entity**, shall elaborate proposals for network codes in the areas referred to in paragraph 1 upon a request addressed to it by the Commission in accordance with paragraph 8.

Amendment

9. The ENTSO for Electricity shall convene a **stakeholder** committee to support it in the network code development process. The **stakeholder** committee shall consist of representatives of the ENTSO for Electricity, the Agency, **and of other affected stakeholders who are likely to have an interest in the network code, including distribution system operators, nominated electricity market operators system users, relevant industry associations, technical bodies and consumer associations. The ENTSO for Electricity** shall elaborate proposals for network codes in the areas referred to in paragraph 1 upon a request addressed to it by the Commission in accordance with paragraph 8.

Or. en

Amendment 1506
Zdzisław Krasnodębski

Proposal for a regulation
Article 55 – paragraph 10

Text proposed by the Commission

10. The Agency shall revise the network code and ensure that the network code is in line with the relevant framework guideline and contributes to market integration, non-discrimination, effective competition, and the efficient functioning of the market **and** , submit the revised network code to the Commission within **six months** of the day of the receipt of the proposal . In the proposal submitted to the Commission, the Agency shall take into account the views provided by all involved parties during the drafting of the proposal

Amendment

10. The Agency shall revise the network code and ensure that the network code is in line with the relevant framework guideline and contributes to market integration, non-discrimination, effective competition, and the efficient functioning of the market. **Within four months of receiving, the Agency shall provide the revised network code to the ENTSO for Electricity or the EU DSO entity. If the ENTSO for Electricity or the EU DSO entity disagrees with the revised network code, it shall convene the drafting**

led by the ENTSO for Electricity or the EU DSO entity and shall formally consult the relevant stakeholders on the version to be submitted to the Commission.

*committee referred to in paragraph 9 to support it in the revised network code development process. The ENTSO for Electricity or the EU DSO entity shall provide its views on the revised network code and resubmit it to the Agency within two months of receiving the revised network code. The Agency submit the revised network code to the Commission within **one month** of the day of the receipt of the **revised** proposal . In the proposal submitted to the Commission, the Agency shall take into account the views provided by all involved parties during the drafting of the proposal led by the ENTSO for Electricity or the EU DSO entity and shall formally consult the relevant stakeholders on the version to be submitted to the Commission.*

Or. en

Amendment 1507
Dario Tamburrano, David Borrelli

Proposal for a regulation
Article 55 – paragraph 10

Text proposed by the Commission

10. The Agency shall revise the network code and ensure that the network code is in line with the relevant framework guideline and contributes to market integration, non-discrimination, effective competition, and the efficient functioning of the market and , submit the revised network code to the Commission within six months of the day of the receipt of the proposal . In the proposal submitted to the Commission, the Agency shall take into account the views provided by all involved parties during the drafting of the proposal led by the ENTSO for Electricity **or the EU DSO entity and** shall formally consult the relevant stakeholders on the version to

Amendment

10. The Agency shall revise the network code and ensure that the network code **elaborated by the ENTSO for Electricity** is in line with the relevant framework guideline and contributes to market integration, non-discrimination, effective competition, and the efficient functioning of the market and , submit the revised network code to the Commission within six months of the day of the receipt of the proposal . In the proposal submitted to the Commission, the Agency shall take into account the views provided by all involved parties during the drafting of the proposal led by the ENTSO for Electricity shall formally consult the relevant

be submitted to the Commission.

stakeholders on the version to be submitted to the Commission.

Or. en

Justification

This amendment promotes consistency with other amendments. In addition, in order to provide clarity around the distinct roles and responsibilities to elaborate network codes, provisions on network codes related to the distribution grid should be moved to another subparagraph. Hence, the content of this paragraph is limited to network codes falling within the scope of ENTSO-E's remit.

Amendment 1508 **Cornelia Ernst**

Proposal for a regulation **Article 55 – paragraph 10**

Text proposed by the Commission

10. The Agency shall revise the network code and ensure that the network code is in line with the relevant framework guideline and contributes to market integration, non-discrimination, effective competition, and the efficient functioning of the market and , submit the revised network code to the Commission within six months of the day of the receipt of the proposal . In the proposal submitted to the Commission, the Agency shall take into account the views provided by all involved parties during the drafting of the proposal led by the ENTSO for Electricity *or the EU DSO entity* and shall formally consult the relevant stakeholders on the version to be submitted to the Commission.

Amendment

10. The Agency shall revise the network code *elaborated by the ENTSO for Electricity* and ensure that the network code is in line with the relevant framework guideline and contributes to market integration, non-discrimination, effective competition, and the efficient functioning of the market and , submit the revised network code to the Commission within six months of the day of the receipt of the proposal . In the proposal submitted to the Commission, the Agency shall take into account the views provided by all involved parties during the drafting of the proposal led by the ENTSO for Electricity and shall formally consult the relevant stakeholders on the version to be submitted to the Commission.

Or. en

Amendment 1509 **Claude Turmes**

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 55 – paragraph 10

Text proposed by the Commission

10. The Agency shall **revise the network code and** ensure that the network code is in line with the relevant framework guideline and contributes to market integration, non-discrimination, effective competition, and the efficient functioning of the market and, submit the **revised** network code to the Commission within six months of the day of the receipt of the **proposal**. In the proposal submitted to the Commission, the Agency shall take into account the views provided by all involved parties during the drafting of the proposal **led by the ENTSO for Electricity or the EU DSO entity and shall formally consult the relevant stakeholders on the version to be submitted to the Commission.**

Amendment

10. The Agency shall ensure that the network code is in line with the relevant framework guideline and contributes to **better** market integration **of high levels of electricity generated from variable renewable energy sources**, non-discrimination, effective competition, and the efficient functioning of the market and submit the **draft** network code to the Commission within six months of the day of the receipt of the **opinion**. In the proposal submitted to the Commission, the Agency shall take into account the views provided by all involved parties during the drafting of the proposal.

Or. en

Amendment 1510

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 55 – paragraph 11

Text proposed by the Commission

11. Where the ENTSO for Electricity **or the EU DSO entity** have failed to develop **a network code** within the period of time set by the Commission under paragraph 8, the Commission may request the Agency to prepare a draft network code on the basis of the relevant framework guideline. The Agency may launch a further consultation in the course of preparing a draft network code under this

Amendment

11. Where the ENTSO for Electricity have failed to develop **an opinion** within the period of time set by the Commission under paragraph 8, the Commission may request the Agency to prepare a draft network code on the basis of the relevant framework guideline **without the opinion from the ENTSO for Electricity**. The Agency may launch a further consultation in the course of preparing a draft network

paragraph. The Agency shall submit a draft network code prepared under this paragraph to the Commission and may recommend that it be adopted.

code under this paragraph. The Agency shall submit a draft network code prepared under this paragraph to the Commission and may recommend that it be adopted.

Or. en

Amendment 1511
Cornelia Ernst

Proposal for a regulation
Article 55 – paragraph 11

Text proposed by the Commission

11. Where the ENTSO for Electricity *or the EU DSO entity have* failed to develop a network code within the period of time set by the Commission under paragraph 8, the Commission may request the Agency to prepare a draft network code on the basis of the relevant framework guideline. The Agency may launch a further consultation in the course of preparing a draft network code under this paragraph. The Agency shall submit a draft network code prepared under this paragraph to the Commission and may recommend that it be adopted.

Amendment

11. Where the ENTSO for Electricity *has* failed to develop a network code within the period of time set by the Commission under paragraph 8, the Commission may request the Agency to prepare a draft network code on the basis of the relevant framework guideline. The Agency may launch a further consultation in the course of preparing a draft network code under this paragraph. The Agency shall submit a draft network code prepared under this paragraph to the Commission and may recommend that it be adopted.

Or. en

Amendment 1512
Dario Tamburrano, David Borrelli

Proposal for a regulation
Article 55 – paragraph 11

Text proposed by the Commission

11. Where the ENTSO for Electricity *or the EU DSO entity have* failed to develop a network code within the period of time set by the Commission under

Amendment

11. Where the ENTSO for Electricity *or has* failed to develop a network code within the period of time set by the Commission under paragraph 8, the

paragraph 8, the Commission may request the Agency to prepare a draft network code on the basis of the relevant framework guideline. The Agency may launch a further consultation in the course of preparing a draft network code under this paragraph. The Agency shall submit a draft network code prepared under this paragraph to the Commission and may recommend that it be adopted.

Commission may request the Agency to prepare a draft network code on the basis of the relevant framework guideline. The Agency may launch a further consultation in the course of preparing a draft network code under this paragraph. The Agency shall submit a draft network code prepared under this paragraph to the Commission and may recommend that it be adopted.

Or. en

Justification

This amendment promotes consistency with other amendments. In addition, in order to provide clarity around the distinct roles and responsibilities to elaborate network codes, provisions on network codes related to the distribution grid should be moved to another subparagraph. Hence, the content of this paragraph is limited to network codes falling within the scope of ENTSO-E's remit.

Amendment 1513

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation Article 55 – paragraph 12

Text proposed by the Commission

12. The Commission may adopt, on its own initiative, where the ***ENTSO for Electricity or the EU DSO entity have failed to develop a network code***, or the Agency has failed to develop a draft network code as referred to in paragraph 11 of this Article, or upon recommendation of the Agency under paragraph 10 of this Article, one or more network codes in the areas listed in paragraph 1.

Amendment

12. The Commission may adopt, on its own initiative, where the Agency has failed to develop a draft network code as referred to in paragraph 11 of this Article, or upon recommendation of the Agency under paragraph 10 of this Article, one or more network codes in the areas listed in paragraph 1.

Or. en

Amendment 1514

Cornelia Ernst

**Proposal for a regulation
Article 55 – paragraph 12**

Text proposed by the Commission

12. The Commission may adopt, on its own initiative, where the ENTSO for Electricity **or the EU DSO entity have** failed to develop a network code, or the Agency has failed to develop a draft network code as referred to in paragraph 11 of this Article, or upon recommendation of the Agency under paragraph 10 of this Article, one or more network codes in the areas listed in paragraph 1.

Amendment

12. The Commission may adopt, on its own initiative, where the ENTSO for Electricity **has** failed to develop a network code, or the Agency has failed to develop a draft network code as referred to in paragraph 11 of this Article, or upon recommendation of the Agency under paragraph 10 of this Article, one or more network codes in the areas listed in paragraph 1.

Or. en

**Amendment 1515
Dario Tamburrano, David Borrelli**

**Proposal for a regulation
Article 55 – paragraph 12**

Text proposed by the Commission

12. The Commission may adopt, on its own initiative, where the ENTSO for Electricity or **the EU DSO entity** have failed to develop a network code, or the Agency has failed to develop a draft network code as referred to in paragraph 11 of this Article, or upon recommendation of the Agency under paragraph 10 of this Article, one or more network codes in the areas listed in paragraph 1.

Amendment

12. The Commission may adopt, on its own initiative, where the ENTSO for Electricity or **Agency** have failed to develop a network code, or the Agency has failed to develop a draft network code as referred to in paragraph 11 of this Article, or upon recommendation of the Agency under paragraph 10 of this Article, one or more network codes in the areas listed in paragraph 1.

Or. en

Justification

This amendment promotes consistency with other amendments

Amendment 1516
Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation
Article 55 – paragraph 13

Text proposed by the Commission

13. Where the Commission proposes to adopt a network code on its own initiative, the Commission shall consult the Agency, the ENTSO for Electricity and all relevant stakeholders in regard to the draft network code during a period of no less than two months.

Amendment

13. Where the Commission proposes to adopt a network code on its own initiative, the Commission shall consult the Agency, the ENTSO for Electricity, ***the EU DSO entity*** and all relevant stakeholders in regard to the draft network code during a period of no less than two months.

Or. en

Amendment 1517
Claude Turmes
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 55 – paragraph 13

Text proposed by the Commission

13. Where the Commission proposes to adopt a network code on its own initiative, the Commission shall consult the Agency, the ENTSO for Electricity and all relevant stakeholders in regard to the draft network code during a period of no less than two months.

Amendment

13. Where the Commission proposes to adopt a network code on its own initiative, the Commission shall consult the Agency, the ENTSO for Electricity, ***the EU DSO entity*** and all relevant stakeholders in regard to the draft network code during a period of no less than two months.

Or. en

Amendment 1518
Dario Tamburrano, David Borrelli

Proposal for a regulation
Article 55 – paragraph 13 a (new)

Text proposed by the Commission

Amendment

13 a. Where the subject-matter of the network code is directly related to the operation of the distribution system and less relevant for the transmission system, and where so decided in the priority list pursuant to paragraph 2, the Agency shall submit a proposal for a network code to the Commission within a reasonable period of time not exceeding 12 months. The Agency shall convene a stakeholder committee to support it in the network code development process. The stakeholder committee shall consist of representatives of the Agency, the ENTSO for Electricity, and other affected stakeholders who are likely to have an interest in the network code, including distribution system operators, nominated electricity market operators, system users, relevant industry associations, technical bodies and consumer platforms. The Agency shall ensure that the network code is in line with the relevant framework guideline and contributes to market integration, non-discrimination, effective competition, and the efficient functioning of the market and, submit the network code to the Commission. In the proposal submitted to the Commission, the Agency shall take into account the views provided by all involved parties during the drafting of the proposal and shall formally consult the relevant stakeholders on the version to be submitted to the Commission.

Or. en

Justification

The suggested amendment lays out the process for elaborating network codes related to the distribution grid. In the absence of a EU DSO, ACER should be drafting and monitoring the implementation of network codes related to distribution networks. ACER should also have the authority to convene the “drafting committees” (renamed “stakeholder committees”) to support it in the network code development process.

Amendment 1519

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 55 – paragraph 14

Text proposed by the Commission

14. This Article shall be without prejudice to the Commission's right to adopt and amend the guidelines as laid down in Article 57. It shall be without prejudice to the possibility for the ENTSO for Electricity to develop non-binding guidance in the areas set out in paragraph 1 where this does not relate to areas covered by a request addressed to it by the Commission. This guidance shall be submitted to the Agency for an opinion. This opinion shall be taken duly into account by the ENTSO for Electricity.

Amendment

14. This Article shall be without prejudice to the Commission's right to adopt and amend the guidelines as laid down in Article 57. It shall be without prejudice to the possibility for the ENTSO for Electricity **and the EU DSO entity** to develop non-binding guidance in the areas set out in paragraph 1 where this does not relate to areas covered by a request addressed to it by the Commission. This guidance shall be submitted to the Agency for an opinion. This opinion shall be taken duly into account by the ENTSO for Electricity **and by the EU DSO entity**.

Or. en

Justification

This regulation introduces a European entity for distribution system operators in Articles 49-51. Tasks related to this entity must therefore be aligned to the provision of this Article and especially regarding the cooperation between TSOs and DSOs also to Article 53.

Amendment 1520

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

Proposal for a regulation
Article 56 – paragraph 1

Text proposed by the Commission

1. The Commission **is empowered to adopt** delegated acts in accordance with Article 63 concerning the amendment of network codes following the procedure under Article 55. Amendments can also be proposed by the Agency under the procedure set out in paragraphs 2 to 4 of

Amendment

1. The Commission **shall present a legislative proposal for the general political framework prior to adopting** delegated acts in accordance with Article 63 concerning the amendment of network codes following the procedure under Article 55. Amendments can also be

this Article.

proposed by the Agency under the procedure set out in paragraphs 2 to 4 of this Article.

Or. en

Amendment 1521
Zdzisław Krasnodębski

Proposal for a regulation
Article 56 – paragraph 1

Text proposed by the Commission

1. The Commission is empowered to adopt *delegated* acts in accordance with Article 63 concerning the amendment of network codes following the procedure under Article 55. Amendments can also be proposed by the Agency under the procedure set out in paragraphs 2 to 4 of this Article.

Amendment

1. The Commission is empowered to adopt *implementing* acts in accordance with *the regulatory procedure referred to in* Article 62(2) concerning the amendment of network codes following the procedure under Article 55. Amendments can also be proposed by the Agency under the procedure set out in paragraphs 2 to 4 of this Article.

Or. en

Amendment 1522
Jaromír Kohlíček

Proposal for a regulation
Article 56 – paragraph 1

Text proposed by the Commission

1. The Commission is empowered to adopt *delegated* acts in accordance with Article 63 concerning the amendment of network codes following the procedure under Article 55. Amendments can also be proposed by the Agency under the procedure set out in paragraphs 2 to 4 of this Article.

Amendment

1. The Commission is empowered to adopt *implementing* acts in accordance with Article 63 concerning the amendment of network codes following the procedure under Article 55. Amendments can also be proposed by the Agency under the procedure set out in paragraphs 2 to 4 of this Article.

Or. en

Justification

It is necessary to evaluate extent and form of use of delegated acts in all cases proposed by the Directive and reflected in the Regulation. From the proposal of the Directive it is not clear, what was the rationale behind use of implementing acts (e.g. data format in Article.24 of the Directive) or in other cases use of delegated (Article 61 on ACER or Article 63 on network codes).It is therefore not clear what “rule” was used to set which form of act to use to specific topics.

Amendment 1523

Evžen Tošenovský

Proposal for a regulation

Article 56 – paragraph 1

Text proposed by the Commission

1. The Commission is empowered to adopt *delegated* acts in accordance with Article 63 concerning the amendment of network codes following the procedure under Article 55. Amendments can also be proposed by the Agency under the procedure set out in paragraphs 2 to 4 of this Article.

Amendment

1. The Commission is empowered to adopt *implementing* acts in accordance with Article 63 concerning the amendment of network codes following the procedure under Article 55. Amendments can also be proposed by the Agency under the procedure set out in paragraphs 2 to 4 of this Article.

Or. en

Amendment 1524

Fulvio Martusciello

Proposal for a regulation

Article 56 – paragraph 2

Text proposed by the Commission

2. Draft amendments to any network code adopted under Article 55 may be proposed to the Agency by persons who are likely to have an interest in that network code, including the ENTSO for Electricity, the EU DSO entity, transmission system operators, system users and consumers. The Agency may also propose amendments on its own

Amendment

2. Draft amendments to any network code adopted under Article 55 may be proposed to the Agency by persons who are likely to have an interest in that network code, including the ENTSO for Electricity, the EU DSO entity, transmission *system operators, distribution system operators, system users and consumers. The Agency may also propose*

initiative.

amendments on its own initiative.

Or. en

Amendment 1525

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 56 – paragraph 2

Text proposed by the Commission

2. Draft amendments to any network code adopted under Article 55 may be proposed to the Agency by persons who are likely to have an interest in that network code, including the ENTSO for Electricity, the EU DSO entity, transmission system operators, system users and consumers. The Agency may also propose amendments on its own initiative.

Amendment

2. Draft amendments to any network code adopted under Article 55 may be proposed to the Agency by persons who are likely to have an interest in that network code, including the ENTSO for Electricity, the EU DSO entity, transmission **and distribution** system operators, system users and consumers. The Agency may also propose amendments on its own initiative.

Or. en

Justification

In line with the addition of the new DSO entity, distribution system operators should also be mentioned here.

Amendment 1526

Pervenche Berès, Edouard Martin

Proposal for a regulation

Article 56 – paragraph 2

Text proposed by the Commission

2. Draft amendments to any network code adopted under Article 55 may be proposed to the Agency by persons who are likely to have an interest in that network code, including the ENTSO for Electricity, the EU DSO entity,

Amendment

2. Draft amendments to any network code adopted under Article 55 may be proposed to the Agency by persons who are likely to have an interest in that network code, including the ENTSO for Electricity, the EU DSO entity,

transmission system operators, system users and consumers. The Agency may also propose amendments on its own initiative.

transmission **and distribution** system operators, system users and consumers. The Agency may also propose amendments on its own initiative.

Or. en

Justification

Distributors system operators must participate in the elaboration.

Amendment 1527

Cornelia Ernst

Proposal for a regulation

Article 56 – paragraph 2

Text proposed by the Commission

2. Draft amendments to any network code adopted under Article 55 may be proposed to the Agency by persons who are likely to have an interest in that network code, including the ENTSO for Electricity, **the EU DSO entity, transmission** system operators, system users and consumers. The Agency may also propose amendments on its own initiative.

Amendment

2. Draft amendments to any network code adopted under Article 55 may be proposed to the Agency by persons who are likely to have an interest in that network code, including the ENTSO for Electricity, **transmission system operators, distribution** system operators, system users and consumers. The Agency may also propose amendments on its own initiative.

Or. en

Amendment 1528

Dario Tamburrano, David Borrelli

Proposal for a regulation

Article 56 – paragraph 2

Text proposed by the Commission

2. Draft amendments to any network code adopted under Article 55 may be proposed to the Agency by persons who are likely to have an interest in that network code, including the ENTSO for

Amendment

2. Draft amendments to any network code adopted under Article 55 may be proposed to the Agency by persons who are likely to have an interest in that network code, including the ENTSO for

Electricity, *the EU DSO entity, transmission* system operators, system users and consumers. The Agency may also propose amendments on its own initiative.

Electricity, *transmission system operators, distribution* system operators, system users and consumers. The Agency may also propose amendments on its own initiative.

Or. en

Justification

This amendment promotes consistency with other amendments.

Amendment 1529 **Zdzisław Krasnodębski**

Proposal for a regulation **Article 57 – paragraph 2**

Text proposed by the Commission

2. The Commission may adopt a delegated act as *a Guideline* in the areas where such acts could also be developed under the network code procedure pursuant to Article 55 (1).

Amendment

2. The Commission may adopt a delegated act as *guidelines* in the areas where such acts could also be developed under the network code procedure pursuant to Article 55 (1). *Those guidelines shall be adopted as implementing acts in accordance with the examination procedure referred to in Article 62(2).*

Or. en

Amendment 1530 **Jaromír Kohlíček**

Proposal for a regulation **Article 57 – paragraph 2**

Text proposed by the Commission

2. The Commission may adopt a *delegated* act as a Guideline in the areas where such acts could also be developed under the network code procedure pursuant to Article 55 (1).

Amendment

2. The Commission may adopt a *implementing* act as a Guideline in the areas where such acts could also be developed under the network code procedure pursuant to Article 55 (1).

Justification

It is necessary to evaluate extent and form of use of delegated acts in all cases proposed by the Directive and reflected in the Regulation. From the proposal of the Directive it is not clear, what was the rationale behind use of implementing acts (e.g. data format in Article.24 of the Directive) or in other cases use of delegated (Article 61 on ACER or Article 63 on network codes).It is therefore not clear what “rule” was used to set which form of act to use to specific topics.

Amendment 1531

Evžen Tošenovský

Proposal for a regulation

Article 57 – paragraph 2

Text proposed by the Commission

2. The Commission may adopt a ***delegated*** act as a Guideline in the areas where such acts could also be developed under the network code procedure pursuant to Article 55 (1).

Amendment

2. The Commission may adopt a ***implementing*** act as a Guideline in the areas where such acts could also be developed under the network code procedure pursuant to Article 55 (1).

Amendment 1532

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 57 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Guidelines may also determine appropriate rules relating to charges applied to producers, energy storage and customers (load) under national distribution and transmission tariff systems and connection regimes , including the reflection of the inter-transmission system operator compensation mechanism in national network charges and the provision of

Amendment

Guidelines may also determine appropriate rules relating to charges applied to producers, energy storage and customers (load) under national distribution and transmission tariff systems and connection regimes , including the reflection of the inter-transmission system operator compensation mechanism in national network charges, ***the avoidance of charges***

appropriate and efficient locational signals, in accordance with the principles set out in Article 16.

that do not reflect costs and benefits of active consumers and the provision of appropriate and efficient locational signals, *with the exception of active consumers*, in accordance with the principles set out in Article 16.

Or. en

Justification

This Amendment is inextricably linked to the provisions and amendments of Article 16.

Amendment 1533

Miapetra Kumpula-Natri

Proposal for a regulation

Article 57 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Guidelines may also determine appropriate rules relating to charges applied to producers, energy storage and customers (load) under national *distribution and* transmission tariff systems and connection regimes , including the reflection of the inter-transmission system operator compensation mechanism in national network charges and the provision of appropriate and efficient locational signals, in accordance with the principles set out in Article 16.

Amendment

Guidelines may also determine appropriate rules relating to charges applied to producers, energy storage and customers (load) under national transmission tariff systems and connection regimes , including the reflection of the inter-transmission system operator compensation mechanism in national network charges and the provision of appropriate and efficient locational signals, in accordance with the principles set out in Article 16.

Or. en

Justification

Given the fast paced evolution of energy systems, NC on distribution tariff structure is not justified given their low cross-border impact and their strong interlink with local specificities.

Amendment 1534

Jaromír Kohlíček

Proposal for a regulation

Article 57 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Guidelines may also determine appropriate rules relating to charges applied to producers, energy storage and customers (load) under national ***distribution and*** transmission tariff systems and connection regimes , including the reflection of the inter-transmission system operator compensation mechanism in national network charges and the provision of appropriate and efficient locational signals, in accordance with the principles set out in Article 16.

Amendment

Guidelines may also determine appropriate rules relating to charges applied to producers, energy storage and customers (load) under national transmission tariff systems and connection regimes , including the reflection of the inter-transmission system operator compensation mechanism in national network charges and the provision of appropriate and efficient locational signals, in accordance with the principles set out in Article 16.

Or. en

Justification

Proposed alternate wording is in line with our position on harmonization of distribution tariffs as specified in article 55 of the Regulation.

Amendment 1535

Evžen Tošenovský

Proposal for a regulation

Article 57 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Guidelines may also determine appropriate rules relating to charges applied to producers, energy storage and customers (load) under national ***distribution and*** transmission tariff systems and connection regimes , including the reflection of the inter-transmission system operator compensation mechanism in national network charges and the provision of appropriate and efficient locational signals, in accordance with the principles set out in Article 16.

Amendment

Guidelines may also determine appropriate rules relating to charges applied to producers, energy storage and customers (load) under national transmission tariff systems and connection regimes , including the reflection of the inter-transmission system operator compensation mechanism in national network charges and the provision of appropriate and efficient locational signals, in accordance with the principles set out in Article 16.

Or. en

Amendment 1536
Evžen Tošenovský

Proposal for a regulation
Article 57 – paragraph 5 – point b

Text proposed by the Commission

(b) details of investment incentive rules for interconnector capacity including locational signals;

Amendment

(b) details of investment incentive rules for interconnector capacity including **energy storage capacity, including** locational signals;

Or. en

Amendment 1537
Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Miroslav Poche

Proposal for a regulation
Article 57 – paragraph 7

Text proposed by the Commission

7. When adopting or amending guidelines, the Commission shall consult the Agency, the ENTSO for Electricity and other stakeholders where relevant.

Amendment

7. When adopting or amending guidelines, the Commission shall consult the Agency, the ENTSO for Electricity, **the EU DSO Entity** and other stakeholders where relevant.

Or. en

Amendment 1538
Claude Turmes
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 57 – paragraph 7

Text proposed by the Commission

7. When adopting or amending guidelines, the Commission shall consult

Amendment

7. When adopting or amending guidelines, the Commission shall consult

the Agency, the ENTSO for Electricity and other stakeholders where relevant.

the Agency, the ENTSO for Electricity, **the EU DSO entity** and other stakeholders where relevant.

Or. en

Justification

This regulation introduces a European entity for distribution system operators in Articles 49-51. Tasks related to this entity must therefore be aligned to the provision of this Article and especially regarding the cooperation between TSOs and DSOs also to Article 53.

Amendment 1539

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation

Article 57 – paragraph 7

Text proposed by the Commission

7. When adopting or amending guidelines, the Commission shall consult the Agency, the ENTSO for Electricity and other stakeholders where relevant.

Amendment

7. When adopting or amending Guidelines, the Commission shall consult the Agency, the ENTSO for Electricity, **the EU DSO entity** and other stakeholders where relevant

Or. en

Amendment 1540

Zdzisław Krasnodębski

Proposal for a regulation

Article 58 – title

Text proposed by the Commission

Right of Member States to provide for more detailed measures

Amendment

Right of Member States to provide for more detailed measures **or more efficient market solutions**

Or. en

Amendment 1541
Zdzisław Krasnodebski

Proposal for a regulation
Article 58 – paragraph 1

Text proposed by the Commission

This Regulation shall be without prejudice to the rights of Member States to maintain or introduce measures that contain more detailed provisions than those set out in this Regulation, , in the guidelines referred to in Article 57 or in the network codes referred to in Article 55, provided those measures do not endanger the effectiveness of Union legislation.

Amendment

This Regulation shall be without prejudice to the rights of Member States to maintain or introduce measures that contain more detailed provisions ***and/or measures that contain market solutions more efficient in terms of reaching the overall aims of this Regulation determined in Article 1*** than those set out in this Regulation, in the guidelines referred to in Article 57 or in the network codes referred to in Article 55, provided those measures do not endanger the effectiveness of Union legislation.

Or. en

Amendment 1542
Evžen Tošenovský

Proposal for a regulation
Article 59 – paragraph 1 – point a

Text proposed by the Commission

(a) the investment must enhance competition in electricity supply;

Amendment

(a) the investment must enhance competition in electricity supply ***and, for projects commissioned after 1 Jan 2019, must specifically have included energy storage at one or both interconnector ends in case energy storage provides a lower cost alternative to interconnection capacity investments;***

Or. en

Justification

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

Amendment 1543
Evžen Tošenovský

Proposal for a regulation
Article 59 – paragraph 4 – subparagraph 1

Text proposed by the Commission

The decision on the exemption under paragraphs 1, 2 and 3 shall be taken on a case-by-case basis by the regulatory authorities of the Member States concerned. An exemption may cover all or part of the capacity of the new interconnector, or of the existing interconnector with significantly increased capacity.

Amendment

The decision on the exemption under paragraphs 1, 2 and 3 shall be taken on a case-by-case basis by the regulatory authorities of the Member States concerned. An exemption may cover all or part of the capacity ***or contracted energy storage capacity*** of the new interconnector, or of the existing interconnector with significantly increased capacity.

Or. en

Justification

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

Amendment 1544
Evžen Tošenovský

Proposal for a regulation
Article 59 – paragraph 4 – subparagraph 3

Text proposed by the Commission

In deciding to grant an exemption, consideration shall be given, on a case-by-case basis, to the need to impose conditions regarding the duration of the exemption and non-discriminatory access to the interconnector. When deciding those conditions, account shall, in particular, be taken of additional capacity to be built or the modification of existing capacity, the time-frame of the project and national circumstances.

Amendment

In deciding to grant an exemption, consideration shall be given, on a case-by-case basis, to the need to impose conditions regarding the duration of the exemption and non-discriminatory access to the interconnector. When deciding those conditions, account shall, in particular, be taken of additional capacity ***or contracted energy storage capacity*** to be built or the modification of existing capacity, the time-frame of the project and national

circumstances.

Or. en

Justification

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

Amendment 1545

Zdzisław Krasnodębski

Proposal for a regulation

Article 59 – paragraph 11

Text proposed by the Commission

11. The Commission *is empowered to* adopt *delegated acts in accordance with Article 63 concerning the adoption of* guidelines for the application of the conditions laid down in paragraph 1 of this Article and to set out the procedure to be followed for the application of paragraphs 4, 7 8 , 9 and 10 of this Article.

Amendment

11. The Commission *may* adopt guidelines for the application of the conditions laid down in paragraph 1 of this Article and to set out the procedure to be followed for the application of paragraphs 4, 7 8 , 9 and 10 of this Article.

Or. en

Amendment 1546

Theresa Griffin, Jude Kirton-Darling, Clare Moody

Proposal for a regulation

Article 60 a (new)

Text proposed by the Commission

Amendment

Article 60 a

Cooperation with third countries

In conjunction with this Regulation, the Commission shall develop mechanisms to foster cooperation and market integration with third countries which are physically connected to the EU electricity market.

Justification

To achieve the goals and ambitions of the Energy Union, cooperation should be sought with appropriate third countries which are physically connected to the EU electricity market. This is beneficial for all parties and can help with the Union's security of supply, energy efficiency and the transition to a low-carbon energy future.

Amendment 1547**Algirdas Saudargas, Jerzy Buzek****Proposal for a regulation****Article 61 a (new)***Text proposed by the Commission**Amendment***Article 61 a*****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 regulation and particularly to achieve its main aim: to ensure “well-functioning, integrated electricity markets, which allow non-discriminatory market access for all resource providers” 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-a-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 1548

Evžen Tošenovský

Proposal for a regulation

Article 63 – paragraph 1

Text proposed by the Commission

1. The power to adopt ***delegated*** acts is conferred on the Commission subject to the conditions laid down in this Article.

Amendment

1. The power to adopt ***implementing*** acts is conferred on the Commission subject to the conditions laid down in this Article.

Or. en

Amendment 1549

Jaromír Kohlíček

Proposal for a regulation

Article 63 – paragraph 1

Text proposed by the Commission

1. The power to adopt ***delegated*** acts is conferred on the Commission subject to the conditions laid down in this Article.

Amendment

1. The power to adopt ***implementing*** acts is conferred on the Commission subject to the conditions laid down in this Article.

Or. en

Justification

Proposed alternate wording is In line with our arguments on delegated and implementing acts. It is necessary to evaluate extent and form of use of delegated acts in all cases proposed by the Directive and reflected in the Regulation. From the proposal of the Directive it is not

clear, what was the rationale behind use of implementing acts (e.g. data format in Article.24 of the Directive) or in other cases use of delegated (Article 61 on ACER or Article 63 on network codes).It is therefore not clear what “rule” was used to set which form of act to use to specific topics.

Amendment 1550

Zdzisław Krasnodębski

Proposal for a regulation

Article 63 – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 31(3), Article 46(4), **Article 55(1), Article 56(1) and (4)**, and Article 59(11) shall be conferred on the Commission for an undetermined period of time from the [OP: please insert the date of entry into force].

Amendment

2. The power to adopt delegated acts referred to in Article 31(3), Article 46(4) and Article 59(11) shall be conferred on the Commission for an undetermined period of time from the [OP: please insert the date of entry into force].

Or. en

Amendment 1551

Jaromír Kohlíček

Proposal for a regulation

Article 63 – paragraph 2

Text proposed by the Commission

2. The power to adopt **delegated** acts referred to in Article 31(3), Article 46(4), Article 55(1), Article 56(1) and (4), and Article 59(11) shall be conferred on the Commission for an undetermined period of time from the [OP: please insert the date of entry into force].

Amendment

2. The power to adopt **implementing** acts referred to in Article 31(3), Article 46(4), Article 55(1), Article 56(1) and (4), and Article 59(11) shall be conferred on the Commission for an undetermined period of time from the [OP: please insert the date of entry into force].

Or. en

Justification

Proposed alternate wording is In line with our arguments on delegated and implementing acts. It is necessary to evaluate extent and form of use of delegated acts in all cases proposed

by the Directive and reflected in the Regulation. From the proposal of the Directive it is not clear, what was the rationale behind use of implementing acts (e.g. data format in Article.24 of the Directive) or in other cases use of delegated (Article 61 on ACER or Article 63 on network codes).It is therefore not clear what “rule” was used to set which form of act to use to specific topics.

Amendment 1552
Evžen Tošenovský

Proposal for a regulation
Article 63 – paragraph 2

Text proposed by the Commission

2. The power to adopt *delegated* acts referred to in Article 31(3), Article 46(4), Article 55(1), Article 56(1) and (4), and Article 59(11) shall be conferred on the Commission for an undetermined period of time from the [OP: please insert the date of entry into force].

Amendment

2. The power to adopt *implementing* acts referred to in Article 31(3), Article 46(4), Article 55(1), Article 56(1) and (4), and Article 59(11) shall be conferred on the Commission for an undetermined period of time from the [OP: please insert the date of entry into force].

Or. en

Amendment 1553
Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation
Article 63 – paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in Article 31(3), Article 46(4), Article 55(1), Article 56(1) and (4), and Article 59(11) *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 on 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*

Amendment

3. The delegation of power referred to in Article 31(3), Article 46(4), Article 55(1), Article 56(1) and (4), and Article 59(11) *shall be conferred on the Commission for a period of five years from [the date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament*

delegated act already in force.

or the Council opposes such extension not later than three months before the end of each period.

Or. en

Amendment 1554

Zdzisław Krasnodębski

Proposal for a regulation

Article 63 – paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in Article 31(3), Article 46(4), **Article 55(1), Article 56(1) and (4)**, and Article 59(11) 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 on 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.

Amendment

3. The delegation of power referred to in Article 31(3), Article 46(4) and Article 59(11) 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 on 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.

Or. en

Amendment 1555

Jaromír Kohlíček

Proposal for a regulation

Article 63 – paragraph 4

Text proposed by the Commission

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.

Amendment

4. Before adopting *an implementing 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.

Justification

Proposed alternate wording is In line with our arguments on delegated and implementing acts. It is necessary to evaluate extent and form of use of delegated acts in all cases proposed by the Directive and reflected in the Regulation. From the proposal of the Directive it is not clear, what was the rationale behind use of implementing acts (e.g. data format in Article.24 of the Directive) or in other cases use of delegated (Article 61 on ACER or Article 63 on network codes).It is therefore not clear what “rule” was used to set which form of act to use to specific topics.

Amendment 1556**Evžen Tošenovský****Proposal for a regulation****Article 63 – paragraph 4***Text proposed by the Commission*

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.

Amendment

4. Before adopting a *implementing* 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.

Or. en

Amendment 1557**Barbara Kappel, Angelo Ciocca, Lorenzo Fontana****Proposal for a regulation****Article 63 – paragraph 5***Text proposed by the Commission*

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament *and to the Council.*

Amendment

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament, *to the Council and the Official Journal of the European Union.*

Or. en

Amendment 1558
Jaromír Kohlíček

Proposal for a regulation
Article 63 – paragraph 5

Text proposed by the Commission

5. As soon as it adopts **a delegated** act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

Amendment

5. As soon as it adopts **an implementing** act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

Or. en

Justification

Proposed alternate wording is In line with our arguments on delegated and implementing acts. It is necessary to evaluate extent and form of use of delegated acts in all cases proposed by the Directive and reflected in the Regulation. From the proposal of the Directive it is not clear, what was the rationale behind use of implementing acts (e.g. data format in Article.24 of the Directive) or in other cases use of delegated (Article 61 on ACER or Article 63 on network codes).It is therefore not clear what “rule” was used to set which form of act to use to specific topics.

Amendment 1559
Evžen Tošenovský

Proposal for a regulation
Article 63 – paragraph 5

Text proposed by the Commission

5. As soon as it adopts a **delegated** act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

Amendment

5. As soon as it adopts a **implementing** act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

Or. en

Amendment 1560
Zdzisław Krasnodębski

Proposal for a regulation
Article 63 – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 31(3), Article 46(4), **Article 55(1), Article 56(1) and (4)**, and Article 59(11) 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.

Amendment

6. A delegated act adopted pursuant to Article 31(3), Article 46(4) and Article 59(11) 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 1561

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 63 a (new)

Text proposed by the Commission

Amendment

Article 63 a

Third Country participation

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 indispensable in order to achieve the objectives of the internal energy market by having a level-playing field with third countries' power producers that produce electricity under different requirements than those of the EU (environmental protection, internal market, competition, state aid etc.) and/or where 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 producers' competitiveness and creates difficulties for them to develop competitive renewable electricity generation in the EU. This Amendment sets thus out provisions for third country participation to the internal electricity market that are linked to provisions stemming from this Regulation, the Electricity Directive and different relevant provisions of Union law to which EU internal market participants are bound.

Amendment 1562

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 64 a (new)

Text proposed by the Commission

Amendment

Article 64 a

Review

By 1 June 2025, the Commission shall review and submit a report on the implementation of this Regulation, together with a legislative proposal if appropriate, to the European Parliament and to the Council.

Or. en

Justification

With regard to new provisions, thresholds and implementation deadlines introduced in a relevant number of Articles of this regulation, as well as the monitoring tasks conferred to the different actors, it is necessary to provide a review date of the Regulation to allow for possible adaptations and to adequately integrate future developments.

Amendment 1563

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

Proposal for a regulation

Article 64 a (new)

Text proposed by the Commission

Amendment

Article 64 a

Revision

The Regulation shall be subject to a general revision no later than by the end of 2024.

Or. en

Amendment 1564

Zdzisław Krasnodebski

Proposal for a regulation

Annex I

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1565

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Annex I – part 2 – point 2.4 a (new)

Text proposed by the Commission

Amendment

2.4 a. Coordinated security analysis shall be performed based on a common system model in accordance with point 2 and on a methodology to design coordinated remedial actions developed by the transmission system operators of the

relevant system operation region.

Or. en

Amendment 1566

Martina Werner, Carlos Zorrinho, Miapetra Kumpula-Natri

Proposal for a regulation

Annex I – part 5 – point 5.1

Text proposed by the Commission

Amendment

5.1. Regional operational centres shall be equipped with the close to real time supervisory control and data acquisition systems with the observability defined by applying the threshold defined in accordance with point 4.1. **deleted**

Or. en

Amendment 1567

Martina Werner, Carlos Zorrinho, Miapetra Kumpula-Natri

Proposal for a regulation

Annex I – part 8 – title

Text proposed by the Commission

Amendment

8. **8. Calculation of the regional balancing capacity**

Or. en

Amendment 1568

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

Proposal for a regulation

Annex I – part 8 – point 8.1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) take into account possible substitutions between different types of reserve capacity with the aim to minimise the costs of procurement.

Or. en

Amendment 1569

Martina Werner, Flavio Zanonato, Carlos Zorrinho, Miapetra Kumpula-Natri

Proposal for a regulation

Annex I – part 8 – point 8.2

Text proposed by the Commission

Amendment

8.2. Regional operational centres shall support the transmission system operators of the system operation region in procuring the required amount of balancing capacity determined in accordance with point 8.1. The procurement of balancing capacity shall:

deleted

(a) be performed at the day-ahead and/or intraday timeframe;

(b) take into account possible substitutions between different types of reserve capacity with the aim to minimise the costs of procurement.

Or. en

Amendment 1570

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Annex I – part 13 – point 13.1

Text proposed by the Commission

Amendment

13.1. If ENTSO for Electricity delegates this function, regional operational centres shall identify regional crisis scenarios in

13.1. Regional operational centres shall identify regional crisis scenarios for their respective regions in accordance with the

accordance with the criteria *set out* in Article 6(1) of [Risk Preparedness Regulation *as proposed by COM(2016) 862*]

criteria *laid down* in Article 6(1) of *Regulation* (.../...) [Risk Preparedness Regulation].*The scenarios shall be identified on the basis of risks for each region, such as extreme weather conditions, natural disasters, fuel shortages or malicious attacks. The scenarios shall provide the basis for the regional parts of the national risk-preparedness plans.*

Or. en

Amendment 1571
Luděk Niedermayer

Proposal for a regulation
Annex I – part 13 – point 13.1

Text proposed by the Commission

13.1. If *ENTSO for Electricity* delegates this function, regional operational centres shall identify regional crisis scenarios in accordance with the criteria set out in Article 6(1) of [Risk Preparedness Regulation as proposed by COM(2016) 862]

Amendment

13.1. If *ENTSO-E* delegates this function, regional operational centres shall identify regional crisis scenarios in accordance with the criteria set out in Article 6(1) of [Risk Preparedness Regulation as proposed by COM(2016) 862]

Or. en

Amendment 1572
Claude Turmes
on behalf of the Verts/ALE Group

Proposal for a regulation
Annex I – part 13 – point 13.1 a (new)

Text proposed by the Commission

Amendment

13.1 a. Regional operational centres shall contribute to the harmonisation of regional measures to be included in the national risk-preparedness plans of

Member States by:

(a) issuing recommendations regarding draft national risk-preparedness plans of Member States concerned pursuant to Article 10 of [Risk Preparedness Regulation];

(b) by serving as the co-ordinating body in order to facilitate agreements among competent authorities of Member States concerned on regional measures to be included in their national plans pursuant to Article 12 (2) of [Risk Preparedness Regulation].

Or. en

Amendment 1573

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Annex I – part 13 – point 13.1 a (new)

Text proposed by the Commission

Amendment

13.1 a. Regional operational centres shall carry out short-term adequacy assessments, namely, seasonal adequacy outlooks as well as week-ahead to intraday adequacy assessments for their respective regions pursuant to Article 9 of [Risk Preparedness Regulation]. The short-term adequacy assessment shall complement the long-term resource adequacy assessment, which ensures a coordinated European adequacy assessment to assess the need for capacity mechanisms

Or. en

Amendment 1574

Luděk Niedermayer

Proposal for a regulation
Annex I – part 13 – point 13.2

Text proposed by the Commission

13.2. Regional operational centres shall prepare and carry out yearly crisis simulation in cooperation with competent authorities according to Article 12(3) of [Risk Preparedness Regulation as proposed by COM(2016) 862].

Amendment

13.2. ***If ENTSO-E delegates this function***, regional operational centres shall prepare and carry out yearly crisis simulation in cooperation with competent authorities according to Article 12(3) of [Risk Preparedness Regulation as proposed by COM(2016) 862].

Or. en

Amendment 1575
Claude Turmes
on behalf of the Verts/ALE Group

Proposal for a regulation
Annex I – part 13 – point 13.2 a (new)

Text proposed by the Commission

Amendment

13.2 a. Regional operational centres shall be consulted when developing a methodology for short-term adequacy assessments as well as methodology for identifying the most relevant electricity crisis scenarios in a regional context pursuant to Articles 8(2) and 5(4) of [Risk Preparedness Regulation].

Or. en

Amendment 1576
Claude Turmes
on behalf of the Verts/ALE Group

Proposal for a regulation
Annex I – part 13 a (new)

Text proposed by the Commission

Amendment

13 a. Identification of transmission capacity needs.

13a (new) 1. Regional coordination centres shall provide support to the TSOs of the system operation region regarding the identification of transmission capacity needs.

13a (new) 2. Regional coordination centres shall propose priorities for network investments to the TSOs of the system operation region on the basis of at least the following criteria:

(a) long-term system adequacy assessments;

(b) the situation of the interconnected system;

(c) identified structural congestions.

Or. en