RESOLUTION OF THE SENATE
Delivered on the 12th session held on 31st May 2023


The Senate

I.

1. Perceives positively that the submitted Proposals
   - contain only partial modifications of the existing rules;
   - introduce short-term and long-term measures to stabilize the market as well as time-limited measures to prevent extreme energy prices fluctuations;
   - improve market transparency and integrity and try to enforce compliance with the established rules more effectively;
   - support greater flexibility, e.g. in terms of the integration of renewables;
   - strive for a better consumer protection without disrupting the market environment;
   - include an obligation to establish suppliers of last resort across the EU;
   - enable the introduction of state aid for low-carbon sources, including nuclear sources, in long-term contracts, and thus respect technological neutrality;
   - align the obligations of the competent authorities and market participants with established supervisory institutes over financial markets;

2. Supports
   - the position of the Government and agrees in particular that the principle of subsidiarity must be respected when extending the supervisory and investigative powers of the Agency for the Cooperation of Energy Regulators (ACER);
   - adequate and enforceable sanctions established according to clear rules on the
basis of Member States’ decisions;

3. **Considers it necessary**
   - to carry out thorough checks on the legitimacy of the marginal costs of shutdown power plants in order to significantly reduce possible manipulation of the market pricing;
   - to closely monitor, timely identify and then correctly interpret possible market abuses in order to prevent excessive market fluctuations and, if necessary, adequately intervene by national regulatory authorities or relevant EU agencies;
   - to support establishment of new energy facilities via long-term contracts (e.g. two-way contracts for difference);
   - to emphasize effective and timely state guarantees for energy producers and distributors and at the same time demand from them to demonstrate their liquidity or the ability to meet their obligations to consumers at the request of regulatory authorities;
   - to ensure energy security and performance adequacy in each Member State in order to stabilize the energy grid;
   - to seek to mitigate the impact of hedging risks requirements via the so-called margins in order to e.g. avoid disruption of trading on the stock exchange in case of shortage of funds for hedging;

4. **Requests**
   the Government to strive to implement both Proposals into the Czech legal system in time despite their technical nature and complexity;

II.

1. **Requests**
   the Government to inform the Senate no later than on 30th September 2023 about the way this Resolution was taken into account and about the further development of negotiations;

2. **Authorises**
   the President of the Senate to forward this Resolution to the European Commission.

Miloš Vystrčil  
sign manual  
President of the Senate

Miroslav Adámek  
sign manual  
Senate Verifier