



2016/0379(COD)

25.9.2017

AMENDMENTS 762 - 1116

Draft report
Krišjānis Kariņš
Internal market for electricity (recast)

Proposal for a regulation
(COM(2016)0861 – C8-0492/2016 – 2016/0379(COD))

Amendment 762
Jaromír Kohlíček

Proposal for a regulation
Article 16 – paragraph 8

Text proposed by the Commission

8. Regulatory authorities shall provide incentives to distribution system operators to procure services for the operation and development of their networks and integrate innovative solutions in the distribution systems. For that purpose regulatory authorities shall recognise as eligible and include all relevant costs in distribution tariffs and introduce performance targets in order to incentivise distribution system operators to raise efficiencies, including energy efficiency, in their networks.

Amendment

8. Regulatory authorities shall provide incentives to distribution system operators to procure services for the operation and development of their networks and integrate innovative solutions in the distribution systems. For that purpose regulatory authorities shall recognise as eligible and include all relevant costs in distribution tariffs and introduce performance targets in order to incentivise distribution system operators to raise efficiencies, including energy efficiency, in their networks. ***DSOs and TSOs shall be entitled to approve flexibility services that secure grid stability via network operating resources, i.e. costs for procuring such flexibility services or building and operating a storage installation providing the needed flexibility must be considered as grid infrastructure and must be treated equally as investments in grid expansion.***

Or. en

Amendment 763
Hans-Olaf Henkel

Proposal for a regulation
Article 16 – paragraph 8

Text proposed by the Commission

8. Regulatory authorities shall provide incentives to distribution system operators to procure services for the operation and development of their networks and integrate innovative solutions in the distribution systems. For that purpose

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Or. en

Amendment 764
Kathleen Van Brempt

Proposal for a regulation
Article 16 – paragraph 8

Text proposed by the Commission

8. Regulatory authorities shall provide incentives to distribution system operators ***to procure services for the operation and development of their networks and integrate innovative solutions in the distribution systems. For that purpose regulatory authorities shall recognise as eligible and include all relevant costs in distribution tariffs and introduce performance targets in order to incentivise*** distribution system operators to raise efficiencies, including energy efficiency, in their networks.

Amendment

8. Regulatory authorities shall provide incentives to distribution system operators ***for innovative solutions in the distribution network. For that purpose, regulatory authorities will recognise all the reasonable costs of the distribution system operators for innovative solutions. These include, among others, research and development, pilot project implementation and the launch of new technologies, as well as service contracts that network operators award for the operation and development of their networks. These costs are taken into account by the distribution network operators in the distribution tariffs. The regulatory systems give the*** distribution network operators ***incentives*** to raise efficiencies, including energy efficiency in their networks.

Justification

The need for innovation in the distribution networks is rightly highlighted. Because DSOs are natural monopolies and regulated businesses, they have to develop these innovative concepts under a certain regulatory framework that incentivises them. Innovative solutions will be successful through the close cooperation between DSOs and service providers. DSOs need cost efficient incentives for R&D, piloting and the introduction of new technologies into the operation of the grid. Regulators should acknowledge that innovative grids will necessarily invest in OPEX and CAPEX and that new technologies may not always be successful and fail. A regulation that burdens the risk of failure only on DSOs causes DSOs to avoid the risk of innovation. Therefore it is justified to share the risk of innovation and if needed recognize the costs of failed innovation, because in the end DSOs will also share the benefits of innovation with the customers.

Amendment 765

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 16 – paragraph 8

Text proposed by the Commission

8. Regulatory authorities shall provide incentives to distribution system **operators to procure services for the** operation and development of their networks and integrate innovative solutions in the distribution systems. For that purpose regulatory authorities shall recognise as eligible and include all relevant costs in distribution tariffs and introduce performance targets in order to incentivise distribution system operators to raise efficiencies, including energy efficiency, in their networks.

Amendment

8. Regulatory authorities shall provide incentives to distribution system **for the most efficient** operation and development of their networks and integrate innovative solutions in the distribution systems, **notably via services procurement, including reduction of load through demand side response instead of network developments and aggregation of storage for ancillary services.** For that purpose regulatory authorities shall recognise as eligible and include all relevant costs in distribution tariffs and introduce performance targets in order to incentivise distribution system operators to raise efficiencies, including energy efficiency, **enable and incentivise reduction of demand and flexibility** in their networks.

Or. en

Amendment 766

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation

Article 16 – paragraph 8

Text proposed by the Commission

8. Regulatory authorities **shall** provide incentives to distribution system operators to procure services for the operation and development of their networks and integrate innovative solutions in the distribution systems. For that purpose regulatory authorities shall recognise as eligible and include **all relevant** costs in distribution tariffs and introduce performance targets in order to incentivise distribution system operators to raise efficiencies, including energy efficiency, in their networks.

Amendment

8. Regulatory authorities **may** provide incentives to distribution system operators to procure services for the operation and development of their networks and integrate innovative solutions in the distribution systems, **when such incentives are deemed to bring relevant benefits for the consumers and always taking into account local specificities**. For that purpose regulatory authorities shall recognise as eligible and include **reasonable and efficient** costs in **allowed revenues covered by** distribution tariffs and introduce performance targets in order to incentivise distribution system operators to raise efficiencies, including energy efficiency, in their networks.

Or. en

Amendment 767

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 16 – paragraph 8

Text proposed by the Commission

8. Regulatory authorities shall provide incentives to distribution system operators **to procure services** for the operation and development of their networks and integrate innovative solutions in the distribution systems. For that purpose regulatory authorities shall recognise as eligible and include all relevant costs in distribution tariffs and introduce performance targets in order to incentivise

Amendment

8. Regulatory authorities shall provide incentives to distribution system operators for the operation and development of their networks and integrate innovative solutions in the distribution systems, **including through the procurement of services**. For that purpose regulatory authorities shall recognise as eligible and include all relevant costs in distribution tariffs and introduce performance targets in order to

distribution system operators to raise efficiencies, including energy efficiency, in their networks.

incentivise distribution system operators to raise efficiencies, including energy efficiency **and the digitalisation of the distribution networks including the deployment of smart grids and intelligent metering systems**, in their networks.

Or. en

Amendment 768

Dan Nica, Peter Kouroumbashev, Zigmantas Balčytis

Proposal for a regulation

Article 16 – paragraph 8

Text proposed by the Commission

8. Regulatory authorities shall provide incentives to distribution system operators to procure services for the operation and development of their networks and integrate innovative solutions in the distribution systems. For that purpose regulatory authorities shall recognise as eligible and include **all** relevant costs in distribution tariffs and introduce performance targets in order to incentivise distribution system operators to raise efficiencies, including energy efficiency, in their networks.

Amendment

8. Regulatory authorities shall provide incentives to distribution system operators to procure services for the operation and development of their networks and integrate innovative solutions in the distribution systems. For that purpose regulatory authorities shall recognise as eligible and include **only** relevant costs in distribution tariffs and introduce performance targets in order to **upgrade existing grids and deploy smart grids in a transparent way, to** incentivise distribution system operators to raise efficiencies, including energy efficiency **and energy storage**, in their networks.

Or. en

Amendment 769

Dario Tamburrano, David Borrelli

Proposal for a regulation

Article 16 – paragraph 8

Text proposed by the Commission

8. Regulatory authorities shall provide incentives to distribution system operators

Amendment

8. Regulatory authorities shall provide incentives to distribution system operators

to procure services for the operation and development of their networks and integrate innovative solutions in the distribution systems. For that purpose regulatory authorities shall recognise as eligible and include all relevant costs in distribution tariffs and introduce performance targets in order to incentivise distribution system operators to raise efficiencies, including energy efficiency, in their networks.

to procure services for the operation and development of their networks and integrate innovative solutions in the distribution systems. For that purpose regulatory authorities shall recognise as eligible and include all relevant costs in distribution tariffs and introduce performance targets in order to incentivise distribution system operators to raise efficiencies, including energy efficiency **and flexibility**, in their networks **and promote the integration of energy from renewable sources**.

Or. en

Justification

Existing language only reflects the need to raise efficiencies in the distribution networks. Distribution system operators should also be encouraged to promote flexibility in the grid and the integration of energy from renewable sources, in accordance with the language used Article 59(1)(k) of Recast Directive 2009/72/EC as proposed by COM(2016) 864.

Amendment 770 **Cornelia Ernst**

Proposal for a regulation **Article 16 – paragraph 8**

Text proposed by the Commission

8. Regulatory authorities shall provide incentives to distribution system operators to procure services for the operation and development of their networks and integrate innovative solutions in the distribution systems. For that purpose regulatory authorities shall recognise as eligible and include all relevant costs in distribution tariffs and introduce performance targets in order to incentivise distribution system operators to raise efficiencies, including energy efficiency, in their networks.

Amendment

8. Regulatory authorities shall provide incentives to distribution system operators to procure services for the operation and development of their networks and integrate innovative solutions in the distribution systems. For that purpose regulatory authorities shall recognise as eligible and include all relevant costs in distribution tariffs and introduce performance targets in order to incentivise distribution system operators to raise efficiencies, including energy efficiency **and flexibility**, in their networks **and promote the integration of energy from renewable sources**.

Justification

Existing language only reflects the need to raise efficiencies in the distribution networks. Distribution system operators should also be encouraged to promote flexibility in the grid and the integration of energy from renewable sources, in accordance with the language used Article 59(1)(k) of Recast Directive 2009/72/EC as proposed by COM(2016) 864.

Amendment 771

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

Proposal for a regulation
Article 16 – paragraph 8

Text proposed by the Commission

8. Regulatory authorities shall provide incentives to distribution system operators to procure services for the operation and development of their networks and integrate innovative solutions in the distribution systems. For that purpose regulatory authorities shall recognise as eligible and include all relevant costs in distribution tariffs and introduce performance targets in order to incentivise distribution system operators to raise efficiencies, including energy efficiency, in their networks.

Amendment

8. Regulatory authorities shall provide incentives to distribution system operators to procure services for the operation and development of their networks and integrate innovative solutions in the distribution systems. For that purpose regulatory authorities shall recognise as eligible and include all relevant costs in distribution tariffs and introduce performance targets in order to incentivise distribution system operators to raise efficiencies, including energy efficiency, ***digitalisation and flexibility***, in their networks.

Or. en

Amendment 772
Carolina Punset

Proposal for a regulation
Article 16 – paragraph 8

Text proposed by the Commission

8. Regulatory authorities shall provide incentives to distribution system operators to procure services for the operation and

Amendment

8. Regulatory authorities shall provide incentives to distribution system operators to procure services for the operation and

development of their networks and integrate innovative solutions in the distribution systems. For that purpose regulatory authorities shall recognise as eligible and include all relevant costs in distribution tariffs and introduce performance targets in order to incentivise distribution system operators to raise efficiencies, including energy efficiency, in their networks.

development of their networks and integrate innovative solutions in the distribution systems. For that purpose regulatory authorities shall recognise as eligible and include all relevant costs in distribution tariffs and introduce performance targets in order to incentivise distribution system operators to raise efficiencies, including energy efficiency *and energy storage*, in their networks.

Or. en

Amendment 773

Pilar del Castillo Vera, Pilar Ayuso, Francesc Gambús

Proposal for a regulation

Article 16 – paragraph 8

Text proposed by the Commission

8. **Regulatory authorities** shall provide incentives to distribution system operators to procure services for the operation and development of their networks and integrate innovative solutions in the distribution systems. For that purpose **regulatory authorities** shall recognise as eligible and include all relevant costs in distribution tariffs and introduce performance targets in order to incentivise distribution system operators to raise efficiencies, including energy efficiency, in their networks.

Amendment

8. **Member States** shall provide incentives to distribution system operators to procure services for the operation and development of their networks and integrate innovative solutions in the distribution systems. For that purpose **Member States** shall recognise as eligible and include all relevant costs in distribution tariffs and introduce performance targets in order to incentivise distribution system operators to raise efficiencies, including energy efficiency, in their networks.

Or. en

Amendment 774

Angelika Niebler, Sven Schulze

Proposal for a regulation

Article 16 – paragraph 9

Text proposed by the Commission

Amendment

9. *By [OP: please add specific date – three months after entry into force] the Agency shall provide a recommendation addressed to regulatory authorities on the progressive convergence of transmission and distribution tariff methodologies. That recommendation shall address at least:* *deleted*

(a) the ratio of tariffs applied to producers and to consumers;

(b) the costs to be recovered by tariffs;

(c) time differentiated network tariffs;

(d) locational signals;

(e) the relationship between transmission and distribution tariffs, including principles relating to non-discrimination;

(f) methods to ensure transparency in the setting and structure of tariffs;

(g) groups of network users subject to tariffs, including tariff exemptions.

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 775

Paul Rübige

Proposal for a regulation

Article 16 – paragraph 9

Text proposed by the Commission

Amendment

9. *By [OP: please add specific date – three months after entry into force] the Agency shall provide a recommendation addressed to regulatory authorities on the progressive convergence of transmission and distribution tariff methodologies. That recommendation shall address at* *deleted*

least:

(a) the ratio of tariffs applied to producers and to consumers;

(b) the costs to be recovered by tariffs;

(c) time differentiated network tariffs;

(d) locational signals;

(e) the relationship between transmission and distribution tariffs, including principles relating to non-discrimination;

(f) methods to ensure transparency in the setting and structure of tariffs;

(g) groups of network users subject to tariffs, including tariff exemptions.

Or. en

Justification

Distribution tariffs have to reflect structural and regional circumstances consumption-dependent, the added value is therefore questionable. A harmonised structure and two year update cycle could cause significant distortions in tariffing system e.g. in terms of predictability of regulatory decisions.

Amendment 776

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation

Article 16 – paragraph 9 – introductory part

Text proposed by the Commission

9. By [OP: please add specific date – three months after entry into force] the Agency shall ***provide a recommendation addressed to regulatory authorities on the progressive convergence*** of transmission and distribution tariff ***methodologies***. ***That recommendation shall address at least:***

Amendment

9. By [OP: please add specific date – three months after entry into force] ***NRAs cooperating in the framework of*** the Agency shall ***define a publication template to favour transparency in the setting and structure of transmission tariffs***. ***The template shall address at least the following Minimum Publication Requirements regarding Tariff Charges:***
(a) the ratio of tariffs applied to producers and to consumers;
(b) the costs and/or allowed or target revenue of the transmission system

operator to be recovered by tariffs;
(c) time differentiated network tariffs;
(d) locational signals;
(e) the relationship between transmission and distribution tariffs
(f) groups of network users subject to tariffs, including tariff exemptions.
By [OP: please add specific date – six months after entry into force], and afterwards regularly every two years, the national regulatory authority or the transmission system operator(s), as decided by the national regulatory authority, shall publish information according to the Minimum Publication Requirements template, on the methodology for calculating the respective network tariffs.

Or. en

Amendment 777

Françoise Grossetête

Proposal for a regulation

Article 16 – paragraph 9 – introductory part

Text proposed by the Commission

9. By [OP: please add specific date – three months after entry into force] the Agency shall ***provide a recommendation addressed to regulatory authorities on the progressive convergence of transmission and distribution tariff methodologies.*** ***That recommendation*** shall address at least:

Amendment

9. By [OP: please add specific date – three months after entry into force] the Agency shall ***define a publication template to favour transparency in the setting and structure of transmission tariffs.*** ***The template*** shall address at least ***the following minimum publication requirements regarding tariff charges:***

Or. en

Amendment 778

Morten Helveg Petersen

Proposal for a regulation

Article 16 – paragraph 9 – introductory part

Text proposed by the Commission

9. By [OP: please add specific date – three months after entry into force] the Agency shall provide a recommendation addressed to regulatory authorities on the progressive **convergence** of transmission and distribution tariff methodologies. That recommendation shall address at least:

Amendment

9. By [OP: please add specific date – three months after entry into force] the Agency shall provide a recommendation addressed to regulatory authorities on the progressive **harmonisation** of transmission and distribution tariff methodologies. That recommendation shall address at least:

Or. en

Amendment 779

Pervenche Berès, Edouard Martin

Proposal for a regulation

Article 16 – paragraph 9 – introductory part

Text proposed by the Commission

9. By [OP: please add specific date – **three months** after entry into force] the Agency shall provide a recommendation addressed to regulatory authorities on the progressive **convergence** of transmission and distribution tariff methodologies. That recommendation shall address at least:

Amendment

9. By [OP: please add specific date – **one year** after entry into force] the Agency shall provide a recommendation addressed to regulatory authorities on the progressive **coherence** of transmission and distribution tariff methodologies. That recommendation shall address at least:

Or. en

Justification

The 3-month period proposed by the European Commission is too short to consult with all stakeholders. There is great heterogeneity in terms of distribution and tariffs. The convergence proposed by the Commission is early. However a true coherence would be a big step forward.

Amendment 780

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 16 – paragraph 9 – introductory part

Text proposed by the Commission

Amendment

9. By [OP: please add specific date – three months after entry into force] the Agency shall provide a recommendation addressed to regulatory authorities on the progressive convergence of transmission **and distribution** tariff methodologies. That recommendation shall address at least:

9. By [OP: please add specific date – three months after entry into force] the Agency shall provide a recommendation addressed to regulatory authorities on the progressive convergence of transmission tariff methodologies. That recommendation shall address at least:

Or. en

Justification

Due to regional varieties, distribution tariff methodologies should not be harmonised at this point.

Amendment 781

Miapetra Kumpula-Natri

Proposal for a regulation

Article 16 – paragraph 9 – introductory part

Text proposed by the Commission

Amendment

9. By [OP: please add specific date – three months after entry into force] the Agency shall provide a recommendation addressed to regulatory authorities on the progressive convergence of transmission **and distribution** tariff methodologies. That recommendation shall address at least:

9. By [OP: please add specific date – three months after entry into force] the Agency shall provide a recommendation addressed to regulatory authorities on the progressive convergence of transmission tariff methodologies. That recommendation shall address at least:

Or. en

Justification

Given the fast paced evolution of energy systems, there's no need for progressive convergence of distribution tariff structure it is not justified given their low cross-border impact and their strong interlink with local specificities.

Amendment 782

Kathleen Van Brempt

Proposal for a regulation

Article 16 – paragraph 9 – point e

Text proposed by the Commission

(e) the relationship between transmission and distribution tariffs, including principles relating to non-discrimination;

Amendment

(e) the relationship between transmission and distribution tariffs, including principles relating to non-discrimination, ***as agreed with the EU DSO entity***;

Or. en

Amendment 783
Kathleen Van Brempt

Proposal for a regulation
Article 16 – paragraph 9 – point g

Text proposed by the Commission

(g) groups of network users subject to tariffs, ***including tariff exemptions***.

Amendment

(g) groups of network users subject to tariffs, ***and the way the different tariffs applied on them reflect a fair distribution of costs and avoid unjustifiable state aid***.

Or. en

Amendment 784
Pilar del Castillo Vera, Pilar Ayuso, Francesc Gambús

Proposal for a regulation
Article 16 – paragraph 9 – point g

Text proposed by the Commission

(g) groups of network users subject to tariffs, including tariff exemptions.

Amendment

(g) groups of network users subject to tariffs ***according to characteristics and forms of consumption***, including tariff exemptions.

Or. en

Amendment 785
Carolina Punset

Proposal for a regulation
Article 16 – paragraph 9 – point g a (new)

Text proposed by the Commission

Amendment

(ga) methods to calculate the benefits of self-consumption, decentralised generation, storage and demand response, as well as their complementarity.

Or. en

Justification

The evolution of transmission and distribution tariff methodologies shall introduce principles to assess the real economic, technical and social impacts of active consumers. The consideration of costs shall therefore be complemented by the consideration of benefits provided by the development of self-consumption, self-generation, storage and demand response. Those benefits shall notably take into account avoided CO2 emissions, reduced feed-in tariffs, and reduced network upgrade needs.

Amendment 786
Claude Turmes
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 16 – paragraph 9 – point g a (new)

Text proposed by the Commission

Amendment

(ga) methods to calculate the benefits of self-consumption, decentralised generation, storage and demand response, as well as their complementarity.

Or. en

Justification

New actors should be included in the provisions of this Article in line with a broader scope of the regulation set out in Article 1.

Amendment 787
Cornelia Ernst

Proposal for a regulation
Article 16 – paragraph 9 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

(h) cost benefit analysis for distributed energy resources.

Or. en

Amendment 788
Dario Tamburrano, David Borrelli

Proposal for a regulation
Article 16 – paragraph 9 – point g a (new)

Text proposed by the Commission

Amendment

(ga) cost benefit analysis for distributed energy resources.

Or. en

Justification

In order to incentivise smarter renewables integration technologies and motivate consumers to make investment decisions that mutually benefit the customer and the grid, market design rules need to allow self-consumption activities to be valued more broadly (e.g. their contribution to avoided costs related to grid upgrades for the DSO, reduced transmission losses, avoided CO2 emissions, etc.). Hence, the recommendations provided by the Agency on the progressive convergence of transmission and distribution tariff methodologies should also address the assessment of costs and benefits of distributed energy resources.

Amendment 789
Dan Nica, Peter Kouroumbashev, Zigmantas Balčytis

Proposal for a regulation
Article 16 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

9a. For the purposes of point (b) of paragraph (9), when providing recommendations for the costs to be recovered by tariffs, the losses and congestion caused that exceed the Union

average shall not be recognized as eligible costs.

Or. en

Amendment 790

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

Proposal for a regulation

Article 16 – paragraph 9 b (new)

Text proposed by the Commission

Amendment

9b. Regulatory authorities shall adopt a set of indicators for measuring the performance of transmission and distribution system operators, which should at least include all of the following:

- volume of curtailed energy in MWh, disaggregated per type of generation source;

- percentage of the length of lines operated under dynamic line ratings;

- percentage of substations remotely monitored and controlled in real-time;

- percentage of the length of lines operated under dynamic line ratings;

- losses in high, medium and low-voltage grids;

- the frequency and duration of power interruptions on the grid.

By [two years after the entry into force of this Regulation], and every two years thereafter, regulatory authorities shall publish a report on the performance of transmission and distribution system operators, together with recommendations for improvement where necessary.

Or. en

Amendment 791
Angelika Niebler, Sven Schulze

Proposal for a regulation
Article 16 – paragraph 10

Text proposed by the Commission

Amendment

10. Without prejudice to further harmonisation by way of delegated acts pursuant to Article 55(1)(k), regulatory authorities shall take the Agency's recommendation duly into consideration when approving or fixing transmission tariffs or their methodologies in accordance with Article 59(6)(a) of [recast of Directive 2009/72/EC as proposed by COM(2016) 864/2]. **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. There is no need for a delegated act.

Amendment 792
Paul Rübige

Proposal for a regulation
Article 16 – paragraph 10

Text proposed by the Commission

Amendment

10. Without prejudice to further harmonisation by way of delegated acts pursuant to Article 55(1)(k), regulatory authorities shall take the Agency's recommendation duly into consideration when approving or fixing transmission tariffs or their methodologies in accordance with Article 59(6)(a) of [recast of Directive 2009/72/EC as proposed by COM(2016) 864/2]. **deleted**

Justification

Distribution tariffs have to reflect structural and regional circumstances consumption-dependent, the added value is therefore questionable. A harmonised structure and two year update cycle could cause significant distortions in tariffing system e.g. in terms of predictability of regulatory decisions.

Amendment 793**Zdzisław Krasnodębski****Proposal for a regulation****Article 16 – paragraph 10***Text proposed by the Commission**Amendment*

10. Without prejudice to further harmonisation by way of delegated acts pursuant to Article 55(1)(k), regulatory authorities shall take the Agency's recommendation duly into consideration when approving or fixing transmission tariffs or their methodologies in accordance with Article 59(6)(a) of [recast of Directive 2009/72/EC as proposed by COM(2016) 864/2].

deleted**Amendment 794****Barbara Kappel, Angelo Ciocca, Lorenzo Fontana****Proposal for a regulation****Article 16 – paragraph 10***Text proposed by the Commission**Amendment*

10. Without prejudice to further harmonisation by way of delegated acts pursuant to Article 55(1)(k), regulatory authorities shall take the Agency's recommendation duly into consideration when approving or fixing transmission tariffs or their methodologies in accordance with Article 59(6)(a) of [recast

10. The information published pursuant to Article 16(9) shall be accessible to the public, free of charge and of any limitations as to its use. It shall be published: a) in a user-friendly manner; b) in a clear, easily accessible way and on a non-discriminatory basis; c) in a downloadable format; d) in one or

of Directive 2009/72/EC as proposed by COM(2016) 864/2].

more of the official languages of the Member State and, unless one of the official languages of the Member State is German, to the extent possible, in German.

Or. en

Amendment 795
Françoise Grossetête

Proposal for a regulation
Article 16 – paragraph 10

Text proposed by the Commission

10. *Without prejudice to further harmonisation by way of delegated acts pursuant to Article 55(1)(k), regulatory authorities shall take the Agency's recommendation duly into consideration when approving or fixing transmission tariffs or their methodologies in accordance with Article 59(6)(a) of [recast of Directive 2009/72/EC as proposed by COM(2016) 864/2].*

Amendment

10. *By six months after entry into force, and afterwards every two years, the national regulatory authority or the competent transmission system operators, as decided by the national regulatory authority, shall publish information according to the Minimum Publication Requirements Template, the methodology and all cost information for calculating the respective network tariffs.*

Or. en

Amendment 796
Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López

Proposal for a regulation
Article 16 – paragraph 10

Text proposed by the Commission

10. Without prejudice to further harmonisation by way of *delegated acts pursuant to Article 55(1)(k)*, regulatory authorities shall *take* the Agency's *recommendation duly into consideration* when approving or fixing transmission tariffs or their methodologies in accordance

Amendment

10. Without prejudice to further harmonisation by way of *the ordinary legislative procedure*, regulatory authorities shall *apply* the Agency's *guidelines* when approving or fixing transmission tariffs or their methodologies in accordance with Article 59(6)(a) of

with Article 59(6)(a) of [recast of Directive 2009/72/EC as proposed by COM(2016) 864/2].

[recast of Directive 2009/72/EC as proposed by COM(2016) 864/2].

Or. en

Amendment 797
Françoise Grossetête

Proposal for a regulation
Article 16 – paragraph 11

Text proposed by the Commission

Amendment

11. The Agency shall monitor the implementation of its recommendation and provide a report to the Commission by 31st January each year. It shall update the recommendation at least once every two years.

deleted

Or. en

Amendment 798
Paul Rübiger

Proposal for a regulation
Article 16 – paragraph 11

Text proposed by the Commission

Amendment

11. The Agency shall monitor the implementation of its recommendation and provide a report to the Commission by 31st January each year. It shall update the recommendation at least once every two years.

deleted

Or. en

Amendment 799
Angelika Niebler, Sven Schulze

Proposal for a regulation
Article 16 – paragraph 11

Text proposed by the Commission

Amendment

11. The Agency shall monitor the implementation of its recommendation and provide a report to the Commission by 31st January each year. It shall update the recommendation at least once every two years.

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 800
Barbara Kappel, Lorenzo Fontana, Angelo Ciocca

Proposal for a regulation
Article 16 – paragraph 11

Text proposed by the Commission

Amendment

11. The Agency shall *monitor the implementation of its recommendation and provide a report to the Commission by 31st January each year. It shall update the recommendation at least once every two years.*

11. The Agency shall *regularly publish a summary report on the information published by the national regulatory authorities or transmission system operators pursuant to Article 16(9). After two editions of the summary report, the Agency may provide an opinion addressed to regulatory authorities on the transparency of transmission tariffs.*

Or. en

Amendment 801
Claude Turmes
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 17 – paragraph 2 – subparagraph 1 – point b

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Text proposed by the Commission

Amendment

(b) maintaining or increasing interconnection capacities through network investments, in particular in new interconnectors.

(b) maintaining or increasing interconnection capacities through ***optimisation of the usage of existing interconnectors***, network investments, in particular in new interconnectors. ***If the revenues cannot be efficiently used for the purposes set out in points (a) and/or (b) of the first subparagraph, they may be used, subject to approval by the regulatory authorities of the Member State concerned, as income to be taken into account when approving the methodology for calculating network tariffs and/or fixing network tariffs.***

Or. en

(The last part of the wording stems from the original regulation.)

Justification

Not only the construction of new but also the optimisation of existing interconnectors shall be financed by congestion incomes, as this could equally lead to a remediation of congestion. This Amendment imposes itself also in the context of the principle established in paragraph 1 of this Article ("nor provide a disincentive to reduce congestion"), and is intrinsically linked to Article 59, paragraph 3 ("shall also apply to significant increases of capacity in existing interconnectors").

Amendment 802
Lorenzo Fontana

Proposal for a regulation
Article 17 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) maintaining or increasing interconnection capacities through network investments, in particular ***in new interconnectors***.

(b) maintaining or increasing interconnection capacities through ***coordinated remedial actions and/or*** network investments, in particular ***up to the target value for transfer capacity at each cross-border boundary.***

Or. en

Justification

The proposal that congestion revenues should be used to increase and to guarantee the firmness of cross-border capacity is fully supported. However the prohibition to use congestion revenues to lower network tariffs provided for in Regulation 714/2009 is not justified and would even go against economic efficiency. Investments by TSOs were made to build interconnection capacity. Such investments are usually financed by the increase of national tariffs. Therefore, it is justified to use congestion income in order to lower tariffs, thus “paying back” grid users for an investment in the past. The option to use interconnector congestion revenues to lower transmission tariffs, subject to national regulatory agreement, should be therefore maintained also to the benefit of consumers.

Amendment 803

Massimiliano Salini, Aldo Patriciello

Proposal for a regulation

Article 17 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission

(b) maintaining or increasing interconnection capacities through network investments, *in particular in new interconnectors*.

Amendment

(b) maintaining or increasing interconnection capacities through *coordinated remedial actions and/or* network investments *up to the target value for transfer capacity at each cross- border boundary*.

Or. en

Amendment 804

Françoise Grossetête

Proposal for a regulation

Article 17 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission

(b) maintaining or increasing interconnection capacities through *network investments, in particular in new interconnectors*.

Amendment

(b) maintaining or increasing interconnection capacities through *coordinated remedial actions and/or network investments*.

Or. en

Amendment 805

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

Proposal for a regulation

Article 17 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) ***maintaining or*** increasing interconnection capacities through network investments, in particular in new interconnectors.

(b) increasing interconnection capacities through network investments, in particular in new interconnectors.

Or. en

Amendment 806

Kathleen Van Brempt

Proposal for a regulation

Article 17 – paragraph 2 – subparagraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) integrating offshore electricity grid development and connecting offshore production to the onshore transmission grid.;

Or. en

Amendment 807

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

Proposal for a regulation

Article 17 – paragraph 2 – subparagraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) lowering tariffs

Or. en

Amendment 808
Kathleen Van Brempt

Proposal for a regulation
Article 17 – paragraph 2 – subparagraph 1 – point b b (new)

Text proposed by the Commission

Amendment

(bb) developing of pumped hydro storage.

Or. en

Amendment 809
Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Eugen Freund, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López

Proposal for a regulation
Article 17 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

If the revenues cannot be efficiently used for the purposes set out in points (a) or (b) of the first subparagraph, they shall be placed on a separate internal account line for future use on these purposes.

deleted

Or. en

Amendment 810
Françoise Grossetête

Proposal for a regulation
Article 17 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

If the revenues cannot be efficiently used for the purposes set out in points (a) or (b) of the first subparagraph, **they** shall be placed on a separate internal account line **for future use on these purposes.**

If the revenues cannot be efficiently used for the purposes set out in points (a) or (b) of the first subparagraph, **as a residual option, they may be used, subject to approval by the regulatory authorities of the Member States concerned, up to a maximum amount to be decided by those regulatory authorities, as income to be**

taken into account by the regulatory authorities when approving the methodology for calculating network tariffs and/or fixing network tariffs. Regulatory authorities may only approve this option in cases where the transmission system operator takes a commitment decision to undertake all interconnector projects that have a positive net benefit and has a balance sheet that is sufficient to finance these investments.

The rest of revenues shall be placed on a separate internal account line until such time as it can be spent on the purposes set out in points (a) and/or (b) of the first subparagraph. The regulatory authority shall inform the Agency of the approval referred to in the second subparagraph.

Or. en

Justification

Although the idea that congestion revenues should be used to increase and to guarantee the firmness of cross-border capacity provided for in Regulation 714/2009 is agreed and supported by the Agency, the prohibition to use congestion revenues to lower network tariffs is not justified.

Amendment 811

Massimiliano Salini, Aldo Patriciello

Proposal for a regulation

Article 17 – paragraph 2 – subparagraph 2

Text proposed by the Commission

If the revenues cannot be efficiently used for the purposes set out in points (a) or (b) of the first subparagraph, they shall be placed on a separate internal account line for future use on these purposes.

Amendment

If the revenues cannot be efficiently used for the purposes set out in points (a) or (b) of the first subparagraph, they shall be placed on a separate internal account line for future use on these purposes.

Alternatively, they may be used, subject to approval by the regulatory authorities of the Member States concerned, up to a maximum amount to be decided by those regulatory authorities, as income to be

taken into account by the regulatory authorities when approving the methodology for calculating network tariffs and/or fixing network tariffs. The rest of revenues shall be placed on a separate internal account line until such time as it can be spent on the purposes set out in points (a) and/or (b) of the first subparagraph. The regulatory authority shall inform the Agency of the approval referred to in the second subparagraph.

Or. en

Amendment 812
Patrizia Toia

Proposal for a regulation
Article 17 – paragraph 2 – subparagraph 2

Text proposed by the Commission

If the revenues cannot be efficiently used for the purposes set out in points (a) or (b) of the first subparagraph, **they** shall be placed on a separate internal account line **for future use on these** purposes.

Amendment

If the revenues cannot be efficiently used for the purposes set out in points (a) or (b) of the first subparagraph. **They may be used, subject to approval by the regulatory authorities of the Member States concerned, up to a maximum amount to be decided by those regulatory authorities, as income to be taken into account by the regulatory authorities when approving the methodology for calculating network tariffs and/or fixing network tariffs. The rest of revenues** shall be placed on a separate internal account line **until such time as it can be spent on the purposes set out in points (a) and/or (b) of the first subparagraph. The regulatory authority shall inform the Agency of the approval referred to in the second subparagraph.**

Or. en

Justification

The proposed amendment is aimed to re-establish the possibility to use congestion revenues as a way to reduce the level of network tariffs as it was set in the third electricity package.

It shall be maintained the possibility for NRAs to use congestion revenues when setting the methodology for calculating network tariffs. By using the congestion income for tariff reduction a sufficiently wide range of options remain available. This would permit NRAs to implement the solution that best suits national laws, taxes and accounting, standards and rules, and take into account the specific situation of the TSO. It would also make certain that European consumers are fully behind interconnector projects and can benefit from them.

Furthermore, congestion income is an additional revenue which is not “owned” by TSOs but only collected by them. It is therefore logical that the corresponding congestion income from interconnectors flows back to grid users through a reduction of grid tariffs. This would also aids in ensuring public acceptance of new interconnectors because the revenues from congestion eventually go back to energy consumers.

Amendment 813

Kathleen Van Brempt

Proposal for a regulation

Article 17 – paragraph 2 – subparagraph 2

Text proposed by the Commission

If the revenues cannot be efficiently used for the purposes set out in points (a) **or (b)** of the first subparagraph, they shall be placed on a separate internal account line for future use on these purposes.

Amendment

If the revenues cannot be efficiently used for the purposes set out in points (a), **(b), (ba) or (bc)** of the first subparagraph, they shall be placed on a separate internal account line for future use on these purposes.

Notwithstanding the second subparagraph, in Member States where the Union's interconnection target of 15 % is met and not any congestion on the interconnectors takes place or is predicted, the residual revenues may be used as income to be taken into account by the national regulatory authorities of the Member State concerned when approving the methodology for calculating network tariffs and/or fixing network tariffs.

Or. en

Amendment 814

Zdzisław Krasnodębski

Proposal for a regulation
Article 17 – paragraph 2 – subparagraph 2

Text proposed by the Commission

If the revenues cannot be efficiently used for the purposes set out in points (a) or (b) of the first subparagraph, they ***shall be placed on a separate internal account line for future use on these purposes.***

Amendment

If the revenues cannot be efficiently used for the purposes set out in points (a) or (b) of the first subparagraph, they ***may be used, subject to approval by the regulatory authorities of the Member States concerned, as an income to be taken into account by the regulatory authorities when approving the methodology for calculating network tariffs and/or fixing network tariffs.***

Or. en

Amendment 815
Jaromír Kohlíček

Proposal for a regulation
Article 17 – paragraph 2 – subparagraph 2

Text proposed by the Commission

If the revenues cannot be efficiently used for the purposes set out in points (a) or (b) of the first subparagraph, ***they shall be placed on a separate internal account line for future use on these purposes.***

Amendment

If the revenues cannot be efficiently used for the purposes set out in points (a) or (b) of the first subparagraph.

Or. en

Justification

We suggest to remove proposed text and preserve existing text from 714/2009 as in par. 2 (a).

Amendment 816
Evžen Tošenovský

Proposal for a regulation
Article 17 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

If the revenues cannot be efficiently used for the purposes set out in points (a) or (b) of the first subparagraph, ***they shall be placed on a separate internal account line for future use on these purposes.***

If the revenues cannot be efficiently used for the purposes set out in points (a) or (b) of the first subparagraph.

Or. en

Amendment 817

Pavel Telička

Proposal for a regulation

Article 17 – paragraph 2 – subparagraph 2

Text proposed by the Commission

If the revenues cannot be efficiently used for the purposes set out in points (a) or (b) of the first subparagraph, ***they shall be placed on a separate internal account line for future use on these purposes.***

Amendment

If the revenues cannot be efficiently used for the purposes set out in points (a) or (b) of the first subparagraph, ***they may be used for reduction of tariffs.***

Or. en

Amendment 818

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

Proposal for a regulation

Article 17 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Where the objectives set out in points (a) and (b) of the first subparagraph are met, the residual revenues shall be used as income to be taken into account by national regulatory authorities when approving the methodology for calculating network tariffs and/or fixing network tariffs.

Or. en

Amendment 819
Claude Turmes
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 17 – paragraph 3

Text proposed by the Commission

Amendment

3. The use of revenues in accordance with points (a) and (b) of paragraph 2 shall be subject to a methodology proposed by the Agency and approved by the Commission. The Agency's proposal shall be submitted to the Commission by [OP: 12 months after entry into force] and be approved within six months. *deleted*

The Agency may, at its own initiative or upon a request from the Commission update the methodology and the Commission shall approve the updated methodology not later than six months from its submission.

Before submission to the Commission, the Agency shall consult on the methodology pursuant to Article 15 [recast of Regulation (EC) No 713/2009 as proposed by COM(2016) 863/2].

The methodology shall detail as a minimum the conditions under which the revenues can be used for points (a) and (b) of paragraph 2 and the conditions under which, and for how long, they may be placed on a separate internal account line for future use on those purposes.

Or. en

Justification

This amendment is intrinsically linked to the previous paragraph.

Amendment 820
Jaromír Kohlíček

Proposal for a regulation

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Article 17 – paragraph 3

Text proposed by the Commission

Amendment

3. The use of revenues in accordance with points (a) and (b) of paragraph 2 shall be subject to a methodology proposed by the Agency and approved by the Commission. The Agency's proposal shall be submitted to the Commission by [OP: 12 months after entry into force] and be approved within six months. *deleted*

The Agency may, at its own initiative or upon a request from the Commission update the methodology and the Commission shall approve the updated methodology not later than six months from its submission.

Before submission to the Commission, the Agency shall consult on the methodology pursuant to Article 15 [recast of Regulation (EC) No 713/2009 as proposed by COM(2016) 863/2].

The methodology shall detail as a minimum the conditions under which the revenues can be used for points (a) and (b) of paragraph 2 and the conditions under which, and for how long, they may be placed on a separate internal account line for future use on those purposes.

Or. en

Justification

The Regulation establishes competency of the ACER to propose methodology for use of congestion income. Such requirement directly influences exclusive competence of TSOs to bear full responsibility over investments into transmission system. This requirement for new competency for ACER may lead to sunk costs in case of misused investments. For these reasons we propose to remove para 3 of this article

Amendment 821

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation

Article 17 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

The use of revenues in accordance with points (a) and (b) of paragraph 2 shall be subject to a methodology proposed by the Agency and approved by the Commission. The Agency's proposal shall be submitted to the Commission by [OP: 12 months after entry into force] and be approved within six months.

deleted

Or. en

Amendment 822
Evžen Tošenovský

Proposal for a regulation
Article 17 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

The use of revenues in accordance with points (a) and (b) of paragraph 2 shall be subject to a methodology proposed by the Agency and approved by the Commission. The Agency's proposal shall be submitted to the Commission by [OP: 12 months after entry into force] and be approved within six months.

deleted

Or. en

Amendment 823
Evžen Tošenovský

Proposal for a regulation
Article 17 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

The Agency may, at its own initiative or upon a request from the Commission update the methodology and the Commission shall approve the updated methodology not later than six months

deleted

from its submission.

Or. en

Amendment 824
Evžen Tošenovský

Proposal for a regulation
Article 17 – paragraph 3 – subparagraph 3

Text proposed by the Commission

Amendment

Before submission to the Commission, the Agency shall consult on the methodology pursuant to Article 15 [recast of Regulation (EC) No 713/2009 as proposed by COM(2016) 863/2]. **deleted**

Or. en

Amendment 825
Evžen Tošenovský

Proposal for a regulation
Article 17 – paragraph 3 – subparagraph 4

Text proposed by the Commission

Amendment

The methodology shall detail as a minimum the conditions under which the revenues can be used for points (a) and (b) of paragraph 2 and the conditions under which, and for how long, they may be placed on a separate internal account line for future use on those purposes. **deleted**

Or. en

Amendment 826
Pavel Telička

Proposal for a regulation
Article 17 – paragraph 3 – subparagraph 4

Text proposed by the Commission

Amendment

The methodology shall detail as a minimum the conditions under which the revenues can be used for points (a) and (b) of paragraph 2 and the conditions under which, and for how long, they may be placed on a separate internal account line for future use on those purposes.

deleted

Or. en

Amendment 827

Ashley Fox

Proposal for a regulation

Article 17 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. In Member States or third countries which use interconnector revenues as income to be taken into account when calculating network tariffs as part of a policy explicitly designed to attract new investment into interconnection capacity, any revenues resulting from the allocation of capacity on interconnectors that are owned and operated by a separate legal entity from the main transmission system may be used, subject to approval by the regulatory authorities of the Member States concerned, up to a maximum amount to be determined by those regulatory authorities, as income to be taken into account by the regulatory authorities when approving the methodology for calculating network tariffs and/or fixing network tariffs.

Or. en

Amendment 828

Evžen Tošenovský

Proposal for a regulation
Article 17 – paragraph 4

Text proposed by the Commission

4. Transmission system operators shall ***clearly establish beforehand how any congestion income will be used, and*** report on the actual use of that income. On an annual basis, ***and by 31 July each year,*** the national regulatory authorities shall publish a report setting out the amount of revenue collected for the 12-month period ending on ***30 June*** of the same year and how that revenue was used, ***including the specific projects the income has been used for or the amount placed on a separate account line, together with verification that that use complies with this Regulation and the methodology developed pursuant to paragraph 3.***

Amendment

4. Transmission system operators shall report on the actual use of that income. On an annual basis the national regulatory authorities shall publish a report setting out the amount of revenue collected for the 12-month period ending on ***31 December*** of the same year and how that revenue was used.

Or. en

Amendment 829
Jaromír Kohlíček

Proposal for a regulation
Article 17 – paragraph 4

Text proposed by the Commission

4. Transmission system operators shall ***clearly establish beforehand how any congestion income will be used, and*** report on the actual use of ***that*** income. On an annual basis, ***and by 31 July each year,*** the national regulatory authorities shall publish a report setting out the amount of revenue collected for the 12-month period ending on ***30 June*** of the same year and how that revenue was used, ***including the specific projects the income has been used for or the amount placed on a separate account line, together with verification that that***

Amendment

4. Transmission system operators shall report on the actual use of ***congestion*** income. On an annual basis, the national regulatory authorities shall publish a report setting out the amount of revenue collected for the 12-month period ending on ***31 December*** of the same year and how that revenue was used.

use complies with this Regulation and the methodology developed pursuant to paragraph 3.

Or. en

Justification

The Commission proposes to scrap the possibility for TSOs to use congestion income to reduce the level of transmission tariffs. ENTSO-E fully supports the Commission's objective to invest in and maintain cross-border transmission capacity for the benefit of European welfare. However, the present proposals could actually have the opposite effect and reduce incentives for interconnectors, through two conflicting effects: - considering that congestion revenues should mandatorily be spent sooner (points (a) and (b)) or later (separate account) for implementing operational measures and investing may result in costs that are economically not justified for the community,- Preventing the use of congestion income to reduce tariffs would lead to tariff increases which may undermine public acceptance for new interconnectors. Today, cross-border investments are, in many cases, funded by national TSO tariffs during the corresponding depreciation period, which provide financial leverage to foster investments. Similarly, operational measures to guarantee the availability of capacity are funded by TSO tariffs. Those costs are accepted by national regulators when they are economically justified for the community. Since all TSO "efficient" costs are covered by TSO tariffs, congestion income is an additional revenue which is not "owned" by TSOs but only collected by them. It is therefore only logical that the corresponding congestion income from interconnectors should flow back to grid users through a reduction of grid tariffs. This helps ensuring public acceptance since the revenues from congestion eventually go back to energy consumers.

Amendment 830 Pavel Telička

Proposal for a regulation Article 17 – paragraph 4

Text proposed by the Commission

4. Transmission system operators shall ***clearly establish beforehand how any congestion income will be used, and*** report on ***the actual*** use of ***that*** income. On an annual basis, ***and by 31 July each year,*** the national regulatory authorities shall publish a report setting out the amount of revenue collected for the 12-month period ending on ***30 June*** of the same year and how that revenue was used, including the specific projects the income has been used ***for or***

Amendment

4. Transmission system operators shall report on use of ***the congestion*** income. On an annual basis, the national regulatory authorities shall publish a report setting out the amount of revenue collected for the 12-month period ending on ***31 December*** of the same year and how that revenue was used, including the specific projects the income has been used.

the amount placed on a separate account line, together with verification that that use complies with this Regulation and the methodology developed pursuant to paragraph 3.

Or. en

Justification

The Commission proposes to delete the possibility for TSOs to use congestion income to reduce the level of transmission tariffs.

Amendment 831

Françoise Grossetête

Proposal for a regulation

Article 17 – paragraph 4

Text proposed by the Commission

4. Transmission system operators shall clearly establish beforehand how any congestion income will be used, and report on the actual use of that income. On an annual basis, and by 31 July each year, the national regulatory authorities shall publish a report setting out the amount of revenue collected for the 12-month period ending on 30 June of the same year and how that revenue was used, including the specific projects the income has been used for *or* the amount placed on a separate account line, together with verification that that use complies with this Regulation *and the methodology developed* pursuant to paragraph 3.

Amendment

4. Transmission system operators shall clearly establish beforehand how any congestion income will be used, and report on the actual use of that income. On an annual basis, and by 31 July each year, the national regulatory authorities shall publish a report setting out the amount of revenue collected for the 12-month period ending on 30 June of the same year and how that revenue was used, including the specific projects the income has been used for the amount placed on a separate account line, *or the amount that has been used when calculating network tariffs*, together with verification that that use complies with this Regulation. *In such cases where some of the congestion revenues are used when calculating network tariffs, the report may set out the fulfilment by the TSO of the commitment and balance sheet criteria* pursuant to paragraph 2.

Or. en

Justification

The prohibition to use congestion revenues to lower network tariffs is not justified.

Amendment 832

Theresa Griffin, Jude Kirton-Darling, Clare Moody

Proposal for a regulation

Article 17 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. In Member States or third countries which use interconnector revenues as income to be taken into account when calculating network tariffs as part of a policy explicitly designed to attract new investment into interconnection capacity, any revenues resulting from the allocation of capacity on interconnectors that are owned and operated by a separate legal entity from the main transmission system may be used, subject to approval by the regulatory authorities of the Member States concerned, up to a maximum amount to be determined by those regulatory authorities, as income to be taken into account by the regulatory authorities when approving the methodology for calculating network tariffs and/or fixing network tariffs.

Or. en

Justification

Regulatory discretion to return congestion revenues to consumers via network tariffs outlined in Art 17 (2) of the Regulation on the International Electricity Market provides a foundation for private 3rd party interconnector models, such as the ‘cap and floor’ regime used in the UK and the Netherlands. This regime has stimulated great investment and interest to date and creates a market to further the Commission’s goal of greater interconnection. The removal of this discretion would prevent both the continued operation of the ‘cap and floor’ regime and the possibility of other Member States adopting similar approaches. This amendment will allow the continued delivery on the Commission’s interconnector targets, via innovative solutions that incentivise private 3rd parties to provide the necessary incentives to correct for what would otherwise be market failures.

Amendment 833

Seán Kelly

Proposal for a regulation

Article 17 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. In Member States or third countries which use interconnector revenues as income to be taken into account when calculating network tariffs as part of a policy explicitly designed to attract new investment into interconnection capacity, any revenues resulting from the allocation of capacity on interconnectors that are owned and operated by a separate legal entity from the main transmission system may be used, subject to approval by the regulatory authorities of the Member States concerned, up to a maximum amount to be determined by those regulatory authorities, as income to be taken into account by the regulatory authorities when approving the methodology for calculating network tariffs and/or fixing network tariffs.

Or. en

Amendment 834

Rolandas Paksas

Proposal for a regulation

Article 18 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall monitor resource adequacy within ***their territory*** based on the European resource adequacy assessment pursuant to Article 19.

1. Member States shall monitor resource adequacy within ***their territory*** based on ***the national resource adequacy assessment, which shall consider*** the European resource ***adequacy assessment*** pursuant to Article 19. ***The methodology***

for a national resource adequacy assessment shall be determined by a Member State and shall take into account the methodology referred to in Article 19(4).

Or. en

Amendment 835
Adam Gierek, Krystyna Łybacka

Proposal for a regulation
Article 18 – paragraph 1

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

Text proposed by the Commission

1. Member States shall monitor resource adequacy within their territory based on the European resource adequacy assessment pursuant to Article 19.

Amendment

1. Member States shall monitor resource adequacy within their territory based on ***a national resource adequacy assessment, which should take into account*** the European resource adequacy assessment pursuant to Article 19. ***The methodology for conducting the national resource adequacy assessment shall be defined by the Member States and shall take into account the methodology set out in Article 19(4).***

Or. pl

Justification

The main reference for the introduction of capacity mechanisms should be the national resource adequacy assessment.

Amendment 836
Zdzisław Krasnodębski, Edward Czesak, Nikolay Barekov, Ashley Fox, Evžen Tošenovský

Proposal for a regulation
Article 18 – paragraph 1

Text proposed by the Commission

1. Member States shall monitor

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Amendment

1. Member States shall monitor

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resource adequacy within their territory based on the European resource adequacy assessment pursuant to Article 19.

resource adequacy within their territory based on the ***national resource adequacy assessment, which shall consider the*** European resource adequacy assessment pursuant to Article 19. ***The methodology for a national resource adequacy assessment shall be determined by a Member State and shall take into account the methodology referred to in Article 19(4).***

Or. en

Justification

The security of electricity supply will only be if the competence to carry out a resource adequacy assessment is left to Member States. While the monitoring and assessing of resource adequacy at the European level could be helpful, it should complement and support the national assessment. At the European level, one is unable to include all national requirements with the necessary level of detail and thus, to properly assess the system adequacy.

Amendment 837

Jerzy Buzek, Janusz Lewandowski, Marian-Jean Marinescu

Proposal for a regulation

Article 18 – paragraph 1

Text proposed by the Commission

1. Member States shall monitor resource adequacy within their territory based on the European resource adequacy assessment pursuant to Article 19.

Amendment

1. Member States shall monitor resource adequacy within their territory based on the ***national resource adequacy assessment, which shall consider the*** European resource adequacy assessment pursuant to Article 19. ***The methodology for a national resource adequacy assessment shall be determined by a Member State and shall take into account the methodology referred to in Article 19(4).***

Or. en

Justification

Commission proposal doesn't consider the principle of subsidiarity. While the monitoring and assessing of resource adequacy at the European level is needed and could prove helpful, the

ERAA should only complement and support the national resource adequacy assessment. Only assessments made on a national level would ensure sufficient level of detail. ERAA is unable to include all national conditions with the necessary level of detail and thus, to properly assess the system adequacy.

Amendment 838
Cristian-Silviu Buşoi

Proposal for a regulation
Article 18 – paragraph 1

Text proposed by the Commission

1. Member States shall monitor resource adequacy within their territory based on the European resource adequacy assessment pursuant to Article 19.

Amendment

1. Member States shall monitor resource adequacy within their territory based on the ***national resource adequacy assessment, which shall consider the European resource adequacy assessment pursuant to Article 19. The methodology for a national resource adequacy assessment shall be determined by a Member State and shall take into account the methodology referred to in Article 19(4).***

Or. en

Amendment 839
Pavel Telička

Proposal for a regulation
Article 18 – paragraph 1

Text proposed by the Commission

1. Member States shall monitor resource adequacy within their territory based on the European resource adequacy assessment pursuant to Article 19.

Amendment

1. Member States shall monitor resource adequacy within their territory based on the European resource adequacy assessment pursuant to Article 19 ***and on adequacy assessment having a regional and national geographical scope that includes territory of the Member State and follows the methodology as defined in Article 19.***

Amendment 840

Cornelia Ernst

Proposal for a regulation

Article 18 – paragraph 1

Text proposed by the Commission

1. Member States shall monitor resource adequacy within their territory based on the European resource adequacy assessment pursuant to Article 19.

Amendment

1. Member States shall monitor resource adequacy within their territory based on the European resource adequacy assessment pursuant to Article 19. ***Any methodology for assessing resource adequacy shall duly take the evolution of electricity demand and the Union's legislation on energy efficiency into account.***

Or. en

Amendment 841

Massimiliano Salini, Aldo Patriciello

Proposal for a regulation

Article 18 – paragraph 1

Text proposed by the Commission

1. Member States shall monitor resource adequacy within their territory based on the European resource adequacy ***assessment*** pursuant to Article 19.

Amendment

1. Member States shall monitor resource adequacy within their territory based on the ***national resource adequacy assessment. Member States may refer to the*** European resource adequacy ***methodology*** pursuant to Article 19.

Or. en

Amendment 842

Ashley Fox

Proposal for a regulation

Article 18 – paragraph 1

Text proposed by the Commission

1. Member States shall monitor resource adequacy within their territory based on the European resource adequacy assessment pursuant to Article 19.

Amendment

1. Member States shall monitor resource adequacy within their territory based on the European resource adequacy assessment pursuant to Article 19, **which shall complement national resource adequacy assessments.**

Or. en

Amendment 843

Edouard Martin, Pervenche Berès

**Proposal for a regulation
Article 18 – paragraph 1**

Text proposed by the Commission

1. Member States shall **monitor** resource adequacy within their territory **based on** the European resource adequacy assessment pursuant to Article 19.

Amendment

1. Member States shall **conduct an assessment of** resource adequacy within their territory **taking into account system interconnectivity and the data from** the European resource adequacy assessment pursuant to Article 19.

Or. fr

Amendment 844

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

**Proposal for a regulation
Article 18 – paragraph 1**

Text proposed by the Commission

1. Member States shall **monitor resource adequacy within their territory based on** the European resource adequacy assessment pursuant to Article 19.

Amendment

1. Member States shall **use the results of** the European resource adequacy assessment pursuant to Article 19 **to verify the resource adequacy concerns within their territory.**

Or. en

Amendment 845

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 18 – paragraph 1

Text proposed by the Commission

1. Member States shall monitor resource adequacy within their territory based on the European resource adequacy assessment pursuant to Article 19.

Amendment

1. Member States shall monitor, **report on and publish** resource adequacy within their territory based on the European resource adequacy assessment pursuant to Article 19.

Or. en

Amendment 846

Kathleen Van Brempt

Proposal for a regulation

Article 18 – paragraph 1

Text proposed by the Commission

1. Member States shall monitor resource adequacy within their territory based on the European resource adequacy assessment pursuant to Article 19.

Amendment

1. Member States shall monitor, **report and publish** resource adequacy within their territory based on the European resource adequacy assessment pursuant to Article 19.

Or. en

Amendment 847

Flavio Zanonato

Proposal for a regulation

Article 18 – paragraph 1

Text proposed by the Commission

1. Member States shall monitor resource adequacy within their territory **based on** the European resource adequacy

Amendment

1. Member States shall monitor resource adequacy within their territory **in compliance with** the European resource

assessment pursuant to Article 19.

adequacy *methodology* pursuant to Article 19, *par. 4*.

Or. en

Justification

Common rules and EU methodologies for generation adequacy assessment are needed in order to harmonize the different level of assessment (pan-European and national) and to possibly compare outcomes among different studies and assessments.

Amendment 848

Patrizia Toia

Proposal for a regulation

Article 18 – paragraph 1

Text proposed by the Commission

1. Member States shall monitor resource adequacy within their territory based *on* the European resource adequacy *assessment* pursuant to Article 19.

Amendment

1. Member States shall monitor resource adequacy within their territory based *in compliance with* the European resource adequacy *methodology* pursuant to Article 19, *par. 4*.

Or. en

Justification

Member States, being the ultimate subjects responsible for security of electricity supply shall monitor resource adequacy within their territory and shall carry out their own adequacy assessments and studies by adopting specific detailed representation of network topology and market structure (typically at European level due to computational reasons both market and power models have simplified representation/clustering of generation units/assets of transmission, therefore further details for internal network might be necessary in order to evaluate internal congestions and or local scarcity situation). Common rules and EU methodologies for generation adequacy assessment are needed in order to harmonize the different level of assessment (pan-European and National) and to make possible the comparison of results among different studies and assessments.

Amendment 849

Marian-Jean Marinescu

Proposal for a regulation

Article 18 – paragraph 1

Text proposed by the Commission

1. Member States shall monitor resource adequacy within their territory based on the **European** resource adequacy assessment pursuant to Article 19.

Amendment

1. Member States shall monitor resource adequacy within their territory based on the **national** resource adequacy assessment pursuant to Article 19.

Or. en

Justification

Only assessments made on a national level would ensure the sufficient level of detail.

Amendment 850

Edouard Martin, Pervenche Berès

Proposal for a regulation

Article 18 – paragraph 2

Text proposed by the Commission

2. Where the **European** resource adequacy assessment **identifies a** resource adequacy concern Member States shall identify any regulatory distortions that caused or contributed to the emergence of the concern.

Amendment

2. Where the **national** resource adequacy assessment **(taking into account system interconnectivity and the data from the resource adequacy assessment) reveals a** concern, Member States shall identify any regulatory distortions that caused or contributed to the emergence of the concern.

Or. fr

Amendment 851

Massimiliano Salini, Aldo Patriciello

Proposal for a regulation

Article 18 – paragraph 2

Text proposed by the Commission

2. Where the **European** resource adequacy assessment identifies a resource adequacy concern Member States shall identify any regulatory distortions that caused or contributed to the emergence of

Amendment

2. Where the **national** resource adequacy assessment identifies a resource adequacy concern Member States shall identify any **market and** regulatory distortions that caused or contributed to the

the concern.

emergence *and endurance* of the concern.

Or. en

Amendment 852

Ashley Fox

Proposal for a regulation

Article 18 – paragraph 2

Text proposed by the Commission

2. Where the European resource adequacy assessment identifies a resource adequacy concern Member States shall identify any regulatory distortions that caused or contributed to the emergence of the concern.

Amendment

2. Where *national assessments or* the European resource adequacy assessment identifies a resource adequacy concern Member States shall identify any regulatory distortions that caused or contributed to the emergence of the concern.

Or. en

Amendment 853

Pavel Telička

Proposal for a regulation

Article 18 – paragraph 2

Text proposed by the Commission

2. Where the European resource adequacy assessment identifies a resource adequacy concern Member States shall identify any regulatory distortions that caused or contributed to the emergence of the concern.

Amendment

2. Where the European resource adequacy assessment identifies a resource adequacy concern Member States shall identify any *market failures and/or* regulatory distortions that caused or contributed to the emergence of the concern.

Or. en

Amendment 854

Paul Rübzig

Proposal for a regulation

Article 18 – paragraph 2

Text proposed by the Commission

2. Where the European resource adequacy assessment identifies a resource adequacy concern Member States shall identify any regulatory distortions that caused or contributed to the emergence of the concern.

Amendment

2. Where the European resource adequacy assessment identifies a resource adequacy concern Member States shall identify any **market failures** **and/or** regulatory distortions that caused or contributed to the emergence of the concern.

Or. en

Justification

As market failures can also be the cause of adequacy concerns, these market failures should also be identified and tackled.

Amendment 855

Dario Tamburrano, David Borrelli

Proposal for a regulation

Article 18 – paragraph 2

Text proposed by the Commission

2. Where the European resource adequacy assessment identifies a resource adequacy concern Member States shall identify any regulatory distortions that caused or contributed to the emergence of the concern.

Amendment

2. Where the European resource adequacy assessment identifies a resource adequacy concern Member States shall identify any regulatory distortions **and market failures** that caused or contributed to the emergence of the concern.

Or. en

Justification

Not only regulatory distortions but also market failures, such as barriers to market entry, anti-competitive behaviours, limited access to finance, can disproportionately burden certain technologies or players, and thus contributing to creating adequacy concerns.

Amendment 856

Kathleen Van Brempt

Proposal for a regulation
Article 18 – paragraph 2

Text proposed by the Commission

2. Where the European resource adequacy assessment identifies a resource adequacy concern Member States shall identify any regulatory distortions that caused or contributed to the emergence of the concern.

Amendment

2. Where the European resource adequacy assessment identifies a resource adequacy concern Member States shall identify any regulatory distortions **and market failures** that caused or contributed to the emergence of the concern.

Or. en

Amendment 857
Cornelia Ernst

Proposal for a regulation
Article 18 – paragraph 2

Text proposed by the Commission

2. Where the European resource adequacy assessment identifies a resource adequacy concern Member States shall identify any regulatory distortions that caused or contributed to the emergence of the concern.

Amendment

2. Where the European resource adequacy assessment identifies a resource adequacy concern Member States shall identify any regulatory distortions **and market failures** that caused or contributed to the emergence of the concern.

Or. en

Justification

Beyond regulatory distortions, market failures, such as barriers to market entry, anti-competitive behaviours, limited access to finance, can disproportionately burden certain technologies or market players, and can contribute to creating adequacy concerns. It is important to look beyond purely regulatory barriers.

Amendment 858
Claude Turmes
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 18 – paragraph 2

Text proposed by the Commission

2. Where the European resource adequacy assessment identifies a resource adequacy concern Member States shall identify any regulatory distortions that caused or contributed to the emergence of the concern.

Amendment

2. Where the European resource adequacy assessment identifies a resource adequacy concern Member States shall identify any regulatory distortions **and market failures** that caused or contributed to the emergence of the concern.

Or. en

Amendment 859
Cristian-Silviu Buşoi

Proposal for a regulation
Article 18 – paragraph 2

Text proposed by the Commission

2. Where the **European** resource adequacy assessment identifies a resource adequacy concern Member States shall identify any regulatory distortions that caused or contributed to the emergence of the concern.

Amendment

2. Where the **a national** resource adequacy assessment identifies a resource adequacy concern Member States shall identify any regulatory distortions that caused or contributed to the emergence of the concern.

Or. en

Amendment 860
Patrizia Toia

Proposal for a regulation
Article 18 – paragraph 2

Text proposed by the Commission

2. Where the **European** resource adequacy assessment identifies a resource adequacy concern Member States shall identify any regulatory distortions that caused or contributed to the emergence of the concern.

Amendment

2. Where the **national** resource adequacy assessment identifies a resource adequacy concern Member States shall identify any regulatory distortions that caused or contributed to the emergence of the concern.

Or. en

Justification

Adequacy assessments should be performed by Member States, approved by NRAs and based on a common European methodology defined by ENTSO-E

Amendment 861

Jerzy Buzek, Janusz Lewandowski, Marian-Jean Marinescu

Proposal for a regulation

Article 18 – paragraph 2

Text proposed by the Commission

2. Where **the European** resource adequacy assessment identifies a resource adequacy concern Member States shall identify any regulatory distortions that caused or contributed to the emergence of the concern.

Amendment

2. Where **a national** resource adequacy assessment identifies a resource adequacy concern Member States shall identify any regulatory distortions that caused or contributed to the emergence of the concern.

Or. en

Justification

Commission proposal doesn't consider the principle of subsidiarity. While the monitoring and assessing of resource adequacy at the European level is needed and could prove helpful, the ERAA should only complement and support the national resource adequacy assessment. Only assessments made on a national level would ensure sufficient level of detail. ERAA is unable to include all national conditions with the necessary level of detail and thus, to properly assess the system adequacy.

Amendment 862

Zdzisław Krasnodębski, Edward Czesak, Nikolay Barekov

Proposal for a regulation

Article 18 – paragraph 2

Text proposed by the Commission

2. Where **the European** resource adequacy assessment identifies a resource adequacy concern Member States shall identify any regulatory distortions that caused or contributed to the emergence of the concern.

Amendment

2. Where **a national** resource adequacy assessment identifies a resource adequacy concern Member States shall identify any regulatory distortions that caused or contributed to the emergence of the concern.

Amendment 863

Adam Gierek, Krystyna Łybacka

Proposal for a regulation

Article 18 – paragraph 2

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

Text proposed by the Commission

2. Where the *European* resource adequacy assessment identifies a resource adequacy concern Member States shall identify any regulatory distortions that caused or contributed to the emergence of the concern.

Amendment

2. Where the *national* resource adequacy assessment identifies a resource adequacy concern Member States shall identify any regulatory distortions that caused or contributed to the emergence of the concern.

Or. pl

Justification

The main reference for the introduction of capacity mechanisms should be the national resource adequacy assessment.

Amendment 864

Rolandas Paksas

Proposal for a regulation

Article 18 – paragraph 2

Text proposed by the Commission

2. Where *the European* resource adequacy assessment identifies a resource adequacy concern Member States shall identify any regulatory distortions that caused or contributed to the emergence of the concern.

Amendment

2. Where *a national* resource adequacy assessment identifies a resource adequacy concern Member States shall identify any regulatory distortions that caused or contributed to the emergence of the concern.

Or. en

Amendment 865

András Gyürk, György Hölvényi

Proposal for a regulation
Article 18 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall publish a timeline for adopting measures to eliminate any identified regulatory distortions. When addressing resource adequacy concerns Member States shall in particular consider removing regulatory distortions, enabling scarcity pricing, developing interconnection, energy storage, demand side measures and energy efficiency.

deleted

Or. en

Amendment 866

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 18 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall publish a timeline for adopting measures to eliminate any identified regulatory distortions. When addressing resource adequacy concerns Member States shall in particular **consider removing** regulatory distortions, enabling scarcity pricing, developing interconnection, energy storage, demand side measures **and** energy efficiency.

3. Member States shall publish a timeline **and an implementation plan** for adopting measures to eliminate any identified regulatory distortions **and market failures**. When addressing resource adequacy concerns Member States shall in particular **ensure they contribute to EU 2030 climate and energy targets and 2050 decarbonisation objectives and shall remove** regulatory distortions, enabling scarcity pricing, developing interconnection, energy storage, demand side **flexibility and distributed energy resources and energy efficiency. Member States shall notify the timelines to the European Commission for approval. The Commission shall assess whether these measures are sufficient to eliminate the market distortion and issue a decision as**

to the compatibility of the notified actions in Member States' timelines with the overall objectives of the Energy Union. Member States shall regularly report on progress towards implementing the actions set out in their timelines.

Actions may include:

(a) remove regulatory distortions and market failures, notably hurdles to increased energy efficiency, flexibility and the deployment of renewable energy;

(b) eliminate the potential oversupply of capacity in the market by first taking the most polluting and least flexible resources off the grid.

(c) remove price caps;

(d) introduce an administrative shortage pricing function as referred to in Article 44 of [The Commission regulation establishing a guideline on electricity balancing];

(e) increase interconnection capacity where necessary according to the adequacy assessment and interconnection target and reinforce and optimise internal grid to address congestion;

(f) increase energy efficiency, develop demand-side response and storage capacity;

Or. en

Justification

Resource adequacy provisions have to encompass in a inclusive way all market principles set out in earlier Articles, such as for example in Article 3, or 16, so that the result can be the basis for capacity decisions. It is therefore necessary to list them here all together.

Amendment 867

Cornelia Ernst

Proposal for a regulation

Article 18 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall publish a

3. ***The decision to introduce a***

timeline for adopting measures to eliminate any identified regulatory distortions. When addressing resource adequacy concerns Member States shall in particular consider removing regulatory distortions, enabling scarcity pricing, developing interconnection, energy storage, demand side measures and energy efficiency.

capacity mechanism shall be a last resort option. The decision regarding the introduction of capacity mechanisms must be based on regional adequacy assessments. These assessments shall be the decisive factor whether to introduce capacity mechanisms. Member States shall publish a timeline for adopting measures to eliminate any identified regulatory distortions. When addressing resource adequacy concerns Member States shall in particular consider ***increasing the share of renewable energy***, removing regulatory distortions, enabling scarcity pricing, developing interconnection, energy storage, demand side measures and energy efficiency. ***When addressing resource adequacy concerns Member States shall follow a set of clear and transparent criteria prioritizing the most sustainable options as beneficiaries of capacity mechanisms after having consulted on the proposed mechanism at least with its electrically connected neighbouring Member States. Member States shall in particular:***

Or. en

Amendment 868

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

Proposal for a regulation Article 18 – paragraph 3

Text proposed by the Commission

3. Member States shall publish a timeline for adopting measures to eliminate any identified regulatory distortions. When addressing resource adequacy concerns Member States shall in particular consider removing regulatory distortions, enabling scarcity pricing, ***developing*** interconnection, energy storage, demand side measures ***and*** energy efficiency.

Amendment

3. Member States ***that have a resource adequacy concern*** shall publish a ***roadmap with a*** timeline for adopting measures to eliminate any identified regulatory distortions. When addressing resource adequacy concerns Member States shall ***address the principles in Art. 3 and*** in particular consider:
a) removing regulatory distortions

- b) removing existing price caps*
- c) enabling scarcity pricing via free price formation*
- d) increasing interconnection capacity*
- e) allowing for undistorted market access for all market participants*
- f) developing energy storage*
- g) developing demand side measures*
- h) investing in energy efficiency*

Or. en

Amendment 869

Edouard Martin, Pervenche Berès

Proposal for a regulation

Article 18 – paragraph 3

Text proposed by the Commission

3. ***Member States shall publish a timeline for adopting measures to eliminate any identified regulatory distortions.*** When addressing resource adequacy concerns Member States shall ***in particular*** consider removing regulatory distortions, enabling scarcity pricing, developing interconnection, energy storage, demand side measures and energy efficiency.

Amendment

3. When addressing resource adequacy concerns Member States shall consider removing regulatory distortions, enabling scarcity pricing, developing interconnection, energy storage, demand side measures and energy efficiency.

Or. fr

Amendment 870

Kathleen Van Brempt

Proposal for a regulation

Article 18 – paragraph 3

Text proposed by the Commission

3. Member States shall publish a timeline for adopting measures to eliminate any identified regulatory distortions. When addressing resource adequacy concerns

Amendment

3. Member States shall publish a timeline for adopting measures to eliminate any identified regulatory distortions ***and actions to address market failures***. When

Member States shall in particular consider removing regulatory distortions, enabling scarcity pricing, developing interconnection, energy storage, demand side measures and energy efficiency.

addressing resource adequacy concerns
Member States shall in particular consider removing regulatory distortions, enabling scarcity pricing, developing interconnection, energy storage, demand side measures and energy efficiency.

Or. en

Amendment 871
Marian-Jean Marinescu

Proposal for a regulation
Article 18 – paragraph 3

Text proposed by the Commission

3. Member States shall publish a timeline for adopting measures to eliminate any identified regulatory distortions. When addressing resource adequacy concerns Member States shall in particular consider removing regulatory distortions, enabling scarcity pricing, developing interconnection, energy storage, demand side measures and energy efficiency.

Amendment

3. Member States shall publish a timeline for adopting measures to eliminate any identified regulatory distortions. When addressing resource adequacy concerns Member States shall in particular consider removing regulatory distortions, enabling scarcity pricing, developing interconnection, energy storage, demand side measures, ***self-generation*** and energy efficiency.

Or. en

Amendment 872
Pavel Telička

Proposal for a regulation
Article 18 – paragraph 3

Text proposed by the Commission

3. Member States shall publish a timeline for adopting measures to eliminate any identified regulatory distortions. When addressing resource adequacy concerns Member States shall in particular consider removing regulatory distortions, enabling scarcity pricing, developing

Amendment

3. Member States shall publish a timeline for adopting measures to eliminate any identified regulatory distortions. When addressing resource adequacy concerns Member States shall in particular consider removing regulatory distortions, enabling scarcity pricing, ***self-generation***,

interconnection, energy storage, demand side measures and energy efficiency.

developing interconnection, energy storage, demand side measures and energy efficiency.

Or. en

Amendment 873

Massimiliano Salini, Aldo Patriciello

Proposal for a regulation

Article 18 – paragraph 3

Text proposed by the Commission

3. Member States shall publish *a* timeline for adopting measures to eliminate any identified regulatory distortions. When addressing resource adequacy concerns Member States shall *in particular consider removing regulatory distortions, enabling scarcity pricing, developing interconnection, energy storage, demand side measures and energy efficiency.*

Amendment

3. Member States *with identified adequacy concerns* shall publish *an implementation plan with a coherent* timeline for adopting measures to eliminate any identified regulatory *and market* distortions. When addressing resource adequacy concerns Member States shall *comply with Article 3, and shall, in particular:*

Or. en

Amendment 874

Cornelia Ernst

Proposal for a regulation

Article 18 – paragraph 3 – point a (new)

Text proposed by the Commission

Amendment

(a) remove regulatory distortions and market failures, notably hurdles to energy efficiency and the deployment of renewable energy;

Or. en

Amendment 875

Cornelia Ernst

Proposal for a regulation
Article 18 – paragraph 3 – point b (new)

Text proposed by the Commission

Amendment

(b) eliminate the potential oversupply of capacity in the market by first taking the most polluting and least flexible resources off the grid;

Or. en

Amendment 876
Cornelia Ernst

Proposal for a regulation
Article 18 – paragraph 3 – point c (new)

Text proposed by the Commission

Amendment

(c) increase interconnection capacity where necessary and address internal grid congestion;

Or. en

Amendment 877
Cornelia Ernst

Proposal for a regulation
Article 18 – paragraph 3 – point d (new)

Text proposed by the Commission

Amendment

(d) increase energy efficiency, develop demand-side response measures and storage capacity;

Or. en

Amendment 878
Carolina Punset

Proposal for a regulation
Article 18 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States shall set indicators to report on the effectiveness of the measures adopted pursuant to paragraph 3, and shall review accordingly the potential capacity mechanism put in place.

Or. en

Justification

It is essential to set a framework ensuring that the recourse to capacity mechanism is a last-resort option. Introducing indicators and an obligation to report on the evolution of the identified concern will contribute to limit the distortive effect of the capacity mechanism on the market.

Amendment 879

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 18 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. In case a new capacity mechanism is introduced, the implementation plan shall also entail a comprehensive phase out strategy including a time frame for this capacity mechanism.

Or. en

Justification

In line with the provisions linked to Article 23 (and 18 a), capacity mechanisms introduced following a resource adequacy concern (Article 23 last paragraph) shall be of temporary nature and include a timeframe for phase-out.

Amendment 880

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

**Proposal for a regulation
Article 18 – paragraph 3 a (new)**

Text proposed by the Commission

Amendment

3a. Member States shall submit the roadmap with a timeline for adopting measures to eliminate any identified regulatory distortions to the Commission for review.

Or. en

Amendment 881

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

**Proposal for a regulation
Article 18 – paragraph 3 b (new)**

Text proposed by the Commission

Amendment

3b. The Commission may decide, within two months of receipt of the roadmap whether the measures are sufficient to eliminate the regulatory distortions and may require Member States to amend the roadmap accordingly.

Or. en

Amendment 882

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

**Proposal for a regulation
Article 18 – paragraph 3 c (new)**

Text proposed by the Commission

Amendment

3c. Member States shall monitor the application of the roadmap and shall

publish the results in an annual report.

Or. en

Amendment 883

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

Proposal for a regulation

Article 18 – paragraph 3 d (new)

Text proposed by the Commission

Amendment

3d. Member States shall submit a report relating to their monitoring of the application of the implementation plan to the Agency for an opinion.

Or. en

Amendment 884

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

Proposal for a regulation

Article 18 – paragraph 3 e (new)

Text proposed by the Commission

Amendment

3e. The Agency shall submit its opinion under paragraph 3.d to the Commission. The Commission shall decide whether the reforms have been sufficiently implemented.

Or. en

Amendment 885

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 18 a (new)

Article 18 a

Rules of capacity mechanisms

1. In case of an adequacy problem identified by the European Resource adequacy assessment, Member States shall be able to address residual concerns that cannot be eliminated by the measures pursuant to Article 18 (3), subject to the provisions of this Article and Union State Aid rules.

2. Member States shall assess whether a capacity mechanism in the form of strategic reserve can address the adequacy concerns. Only where this is not the case, Member States may implement a different type of mechanism. Such mechanisms shall not create unnecessary market distortions or inhibit cross-border trade. They shall be open to all generation technologies, storage, energy efficiency and demand-side response. The amount of capacity committed in the mechanism shall not go beyond what is necessary to address the concern. The sizing procured in the capacity mechanism shall be approved by the national regulatory authority.

3. Where a Member State applies a capacity mechanism, it shall review that mechanism before [two years after the date of entry into force of this Regulation] and every year thereafter and provide that no new contracts are concluded under that mechanism where:

(a) the European resource adequacy assessment has not identified a resource adequacy concern; and/or

(b) the measures referred to in paragraph 3 have not been sufficiently implemented in accordance with paragraph 3e.

4. Capacity mechanisms shall be temporary.

They shall be approved by the Commission for no longer than four years. They shall be phased out or at least phased down, based on the implementation plan pursuant to Article 18(3) and 18 (3a).

5. Generation capacity shall be eligible to participate in a capacity mechanism only if

(a) its total greenhouse gas emissions per kilowatt hour of electricity produced in the installation do not exceed 350g of CO₂ equivalent from [OP:date of entry into force of this Regulation];and

(b) is capable of ramping up and down on-load at least at the level of 5% of their capacity per minute and is able to minimise the necessary level of stable output below 40% of power plants benefitting from capacity mechanisms.

6. Capacity providers must comply with EU Environmental Quality Standards and performance shall not exceed the stricter emission levels associated with BAT and higher range of BAT-associated energy efficiency levels of all relevant BAT Conclusions set for new plants to participate in capacity mechanisms.

7. Without prejudice to the immediate application of the emission limits [and flexibility] requirements set out in paragraph 5, by [two years from the entry into force of this Regulation], Member States shall complete the review of existing capacity mechanisms, and of the related contractual or administrative arrangement, and bring them in compliance with the provisions of this Regulation. They shall submit to the Commission a detailed report on the results of the review and of the measures taken.

Or. en

Justification

Capacity mechanisms can, if not well designed and temporary in nature, create important market distortions. They shall not be used as a life line for conventional generation capacity. It is paramount that such mechanism are open to all market participants, including across borders, and that they include flexibility criteria to effectively being able to provide capacity at short notice and with flexible volumes.

Amendment 886
Cornelia Ernst

Proposal for a regulation
Article 18 a (new)

Text proposed by the Commission

Amendment

Article 18 a

Rules of the capacity mechanism

- 1. Member States shall assess whether a capacity mechanism in the form of strategic reserve can address the adequacy concerns. Where this is not the case, Member States may implement a different type of mechanism. Such mechanisms shall not create unnecessary market distortions or inhibit cross-border trade. They shall be open to all generation technologies, storage, energy efficiency and demand-side response. The amount of capacity committed in the mechanism shall not go beyond what is necessary to address the concern. The parameters determining the amount of capacity procured in the capacity mechanism shall be approved by the national regulatory authority.***
- 2. Where a Member State applies a capacity mechanism, it shall review that mechanism before [two years after the date of entry into force of this Regulation] and provide that no new contracts are concluded under that mechanism where:(a) the European resource adequacy assessment has not identified a resource adequacy concern; and/or(b) the measures referred to in paragraph 3 have***

not been sufficiently implemented.

3. Capacity mechanisms shall be temporary. They shall be approved by the Commission for no longer than four years. They shall be phased out or at least phased down, based on the implementation plan pursuant to Article 18(3).

Generation capacity shall be eligible to participate in a capacity mechanism only if:

(a) its total greenhouse gas emissions per kilowatt hour of electricity produced in the installation do not exceed 350g of CO₂ equivalent from [OP:date of entry into force of this Regulation]; and

(b) it is capable of ramping up and down on-load at least at the level 5% of their capacity per minute.

4. Capacity providers must comply with EU Environmental Quality Standards and Best Available Techniques (BATs) to participate in capacity mechanisms.

Or. en

Amendment 887
Massimiliano Salini

Proposal for a regulation
Article 19 – paragraph 1

Text proposed by the Commission

1. The European resource adequacy assessment shall *cover the overall adequacy of the electricity system to supply current and projected demands for electricity for a ten-year period from the date of that assessment, in a yearly resolution.*

Amendment

1. The European resource adequacy assessment shall *evaluate resource adequacy in the European Union. The assessment should be based on the Member States levels of adequacy and foresee bidding zones at regional level.*

Or. en

Amendment 888

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

Proposal for a regulation

Article 19 – paragraph 1

Text proposed by the Commission

1. The European resource adequacy assessment shall cover the overall adequacy of the electricity system to supply current and projected demands for electricity **for a ten-year period** from the date of that assessment, **in a yearly resolution**.

Amendment

1. The European resource adequacy assessment shall cover the overall adequacy of the electricity system to supply current and projected demands for electricity **in the Union, within the relevant Member States forming a region and for each Member State one, five and ten years ahead** from the date of that assessment.

Or. en

Amendment 889

Jaromír Kohlíček

Proposal for a regulation

Article 19 – paragraph 1

Text proposed by the Commission

1. The European resource adequacy assessment shall cover the overall adequacy of the electricity system to supply current and projected demands for electricity for a ten-year period from the date of that assessment, in a yearly resolution.

Amendment

1. The European resource adequacy assessment shall cover the overall adequacy of the electricity system to supply current and projected demands for electricity **with respect to the availability of primary resources** for a ten-year period from the date of that assessment, in a yearly resolution.

Or. en

Justification

Because of the introduction of new term “resource adequacy assessment” it is necessary to define relationship of new extent of generation adequacy to primary sources. Misleadingly

formulated requirements for availability of primary sources can influence final methodology and extent of proposed measures in the area of system and resource adequacy.

Amendment 890
Evžen Tošenovský

Proposal for a regulation
Article 19 – paragraph 1

Text proposed by the Commission

1. The European resource adequacy assessment shall cover the overall adequacy of the electricity system to supply current and projected demands for electricity for a ten-year period from the date of that assessment, in a yearly resolution.

Amendment

1. The European resource adequacy assessment shall cover the overall adequacy of the electricity system to supply current and projected demands for electricity ***with respect to the availability of primary resources*** for a ten-year period from the date of that assessment, in a yearly resolution.

Or. en

Amendment 891
Pavel Telička

Proposal for a regulation
Article 19 – paragraph 1

Text proposed by the Commission

1. The European resource adequacy assessment shall cover the overall adequacy of the electricity system to supply current and projected demands for electricity for a ten-year period from the date of that assessment, in a yearly resolution.

Amendment

1. The European resource adequacy assessment ***as well as regional adequacy assessment*** shall cover the overall adequacy of the electricity system to supply current and projected demands for electricity for a ten-year period from the date of that assessment, in a yearly resolution.

Or. en

Amendment 892
Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation
Article 19 – paragraph 1

Text proposed by the Commission

1. The European resource adequacy assessment shall ***cover the overall adequacy of the electricity system to supply current and projected demands for electricity for a ten-year period from the date of that assessment, in a yearly resolution.***

Amendment

1. The European resource adequacy assessment shall ***determine resource adequacy concerns in the Union, within the relevant Member States in the system operation region and for each Member State, and where relevant down to each bidding zone.***

Or. en

Amendment 893
Evžen Tošenovský

Proposal for a regulation
Article 19 – paragraph 3

Text proposed by the Commission

3. Transmission system operators shall provide the ENTSO for Electricity with the data it needs to carry out, every year, the European resource adequacy assessment. The ENTSO for Electricity shall carry out the assessment every year.

Amendment

3. Transmission system operators shall provide the ENTSO for Electricity with the data it needs to carry out, every year, the European resource adequacy assessment. The ENTSO for Electricity shall carry out the assessment every year. ***Market participants shall, based on their possibilities and data availability, provide transmission system operators with data regarding expected future utilisation of generation sources.***

Or. en

Amendment 894
Jaromír Kohlíček

Proposal for a regulation
Article 19 – paragraph 3

Text proposed by the Commission

3. Transmission system operators

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Amendment

3. Transmission system operators

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shall provide the ENTSO for Electricity with the data it needs to carry out, every year, the European resource adequacy assessment. The ENTSO for Electricity shall carry out the assessment every year.

shall provide the ENTSO for Electricity with the data it needs to carry out, every year, the European resource adequacy assessment. The ENTSO for Electricity shall carry out the assessment every year.
Market participants shall, based on their possibilities and data availability, provide transmission system operators with data regarding expected future utilization of generation sources.

Or. en

Justification

Commission's proposal sets obligation for TSO to provide necessary data to ENTSO-E for evaluation of resource adequacy on EU level. It is necessary to clearly set roles and responsibilities of all subjects influenced by providing such data and fact that according to article 18 para 1 Member Stat shall monitor resource adequacy within their territory based on the European resource adequacy assessment. Commission's proposal sets obligation to TSO to provide necessary data, however it doesn't establish obligation for generation sources (and market participants concerned in regulation of electricity system) to provide these data to TSO.

Amendment 895

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

Proposal for a regulation Article 19 – paragraph 3

Text proposed by the Commission

3. Transmission system operators shall provide the ENTSO for Electricity with the data it needs to carry out, every year, the European resource adequacy assessment. ***The ENTSO for Electricity shall carry out the assessment every year.***

Amendment

3. Transmission system operators shall provide the ENTSO for Electricity with the data it needs to carry out, every year, the European resource adequacy assessment.

Or. en

Amendment 896

Pilar del Castillo Vera, Pilar Ayuso, Francesc Gambús

Proposal for a regulation
Article 19 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. According to national legislation, the transmission system operators may have the right to request relevant data not containing commercial sensitive information from generators, distribution system operators and other market participants.

Or. en

Amendment 897
Bendt Bendtsen

Proposal for a regulation
Article 19 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The transmission system operators shall have the right to request relevant data not containing commercially sensitive information, and not already collected by the relevant DSO, from generators and other market participants.

Or. en

Amendment 898
Massimiliano Salini

Proposal for a regulation
Article 19 – paragraph 4 – introductory part

Text proposed by the Commission

Amendment

4. The European resource adequacy assessment shall be based on a methodology which shall ensure that the assessment:

4. The European resource adequacy assessment shall be based on a **transparent** methodology which shall ensure that the assessment:

Amendment 899

Cornelia Ernst

Proposal for a regulation

Article 19 – paragraph 4 – point a a (new)

Text proposed by the Commission

Amendment

(aa) is based on appropriate scenarios that are consistent with the objectives and targets agreed in the policy framework for climate and energy covering the period from 2020 to 2030 as well as with 2050 EU decarbonisation objectives and the Paris Agreement.

Or. en

Amendment 900

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 19 – paragraph 4 – point a a (new)

Text proposed by the Commission

Amendment

(aa) is based on appropriate scenarios that are consistent with the objectives and targets agreed in the policy framework for climate and energy covering the period from 2020 to 2030 as well as with 2050 EU decarbonisation objectives and the Paris Agreement;

Or. en

Justification

This amendment is intrinsically linked to the amendment on Article 18, paragraph 3.

Amendment 901

Claude Turmes
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 19 – paragraph 4 – point b

Text proposed by the Commission

(b) is based on appropriate scenarios of projected demand and supply including an economic assessment of the likelihood of retirement, new-build of generation assets and measures to reach energy efficiency targets and appropriate sensitivities on wholesale prices and carbon price developments;

Amendment

(b) is based on appropriate scenarios of projected demand and supply including an economic assessment of the likelihood of retirement, ***moth-balling***, new-build of generation assets and measures to reach energy efficiency ***and electricity interconnection*** targets and appropriate sensitivities on wholesale prices and carbon price developments ***and appropriately takes account of the contribution of all resources and their potential for technological advancement i.e. via monitoring flexibility available in the system, including existing and potential flexibility from generation, demand-side, interconnections and storage.***;

Or. en

Amendment 902
Cornelia Ernst

Proposal for a regulation
Article 19 – paragraph 4 – point b

Text proposed by the Commission

(b) is based on appropriate scenarios of projected demand and supply including an economic assessment of the likelihood of retirement, new-build of generation assets ***and*** measures to reach energy efficiency targets and appropriate sensitivities on wholesale prices and carbon price developments;

Amendment

(b) is based on appropriate scenarios of projected demand and supply including an economic assessment of the likelihood of retirement, ***moth-balling***, new-build of generation assets, measures to reach energy efficiency ***targets, measures to reach electricity interconnection*** targets and appropriate sensitivities on wholesale prices and carbon price developments;

Or. en

Amendment 903

Kathleen Van Brempt, Ivo Belet

Proposal for a regulation

Article 19 – paragraph 4 – point b

Text proposed by the Commission

(b) is based on appropriate scenarios of projected demand and supply including an economic assessment of the likelihood of retirement, new-build of generation assets and measures to reach energy efficiency targets and appropriate sensitivities on wholesale prices and carbon price developments;

Amendment

(b) is based on appropriate scenarios of projected demand and supply including an economic assessment of the likelihood of retirement, new-build of generation assets and measures to reach energy efficiency **and interconnection** targets and appropriate sensitivities on wholesale prices and carbon price developments;

Or. en

Amendment 904

Massimiliano Salini

Proposal for a regulation

Article 19 – paragraph 4 – point b

Text proposed by the Commission

(b) is based on appropriate scenarios of projected demand and supply including an economic assessment of the likelihood of retirement, new-build of generation assets and measures to reach energy efficiency targets and appropriate sensitivities on wholesale prices and carbon price developments;

Amendment

(b) is based on appropriate **national** scenarios of projected demand and supply including an economic assessment of the likelihood of retirement, new-build of generation assets and measures to reach energy efficiency targets and appropriate sensitivities on wholesale prices and carbon price developments;

Or. en

Amendment 905

Dario Tamburrano, David Borrelli

Proposal for a regulation

Article 19 – paragraph 4 – point c

Text proposed by the Commission

(c) appropriately takes account of the contribution of all resources including existing and future generation, energy storage, demand response, and import and export possibilities and their contribution to flexible system operation;

Amendment

(c) appropriately takes account of the contribution of all resources **and their potential for technological advancement**, including existing and future generation, energy storage, demand response, and import and export possibilities and their contribution to flexible system operation;

Or. en

Amendment 906
Cornelia Ernst

Proposal for a regulation
Article 19 – paragraph 4 – point c

Text proposed by the Commission

(c) appropriately takes account of the contribution of all resources including existing and future generation, energy storage, demand response, and import and export possibilities and their contribution to flexible system operation;

Amendment

(c) appropriately takes account of the contribution of all resources **and their potential for technological advancement** including existing and future generation, energy storage, demand response, and import and export possibilities and their contribution to flexible system operation;

Or. en

Amendment 907
Werner Langen

Proposal for a regulation
Article 19 – paragraph 4 – point c

Text proposed by the Commission

(c) appropriately takes account of the contribution of all resources including existing and future generation, energy storage, demand response, and import and export possibilities and their contribution to flexible system operation;

Amendment

(c) appropriately takes account of the contribution of all resources including existing and future generation, energy storage, **sectoral integration**, demand response, and import and export possibilities and their contribution to

flexible system operation;

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 908
Massimiliano Salini

Proposal for a regulation
Article 19 – paragraph 4 – point e

Text proposed by the Commission

Amendment

(e) includes scenarios without existing or planned capacity mechanisms; *deleted*

Or. en

Amendment 909
Pavel Telička

Proposal for a regulation
Article 19 – paragraph 4 – point h – indent 2 a (new)

Text proposed by the Commission

Amendment

- *"level of reliable capacity needed to ensure adequacy"*

Or. en

Amendment 910
Pavel Telička

Proposal for a regulation
Article 19 – paragraph 4 – point i

Text proposed by the Commission

Amendment

(i) identifies the sources of possible resource adequacy concerns, in particular whether it is a network or a resource constraint, or *both*.

(i) identifies the sources of possible resource adequacy concerns, in particular whether it is a network or a resource constraint, or *market failures*.

Or. en

Amendment 911
Pavel Telička

Proposal for a regulation
Article 19 – paragraph 4 – point i a (new)

Text proposed by the Commission

Amendment

(ia) Respecting real network development.

Or. en

Amendment 912
Evžen Tošenovský

Proposal for a regulation
Article 19 – paragraph 4 – point i a (new)

Text proposed by the Commission

Amendment

(ia) Respecting real network development.

Or. en

Amendment 913
Jaromír Kohlíček

Proposal for a regulation
Article 19 – paragraph 4 – point i a (new)

Text proposed by the Commission

Amendment

(ia) Respecting real network development.

Justification

) We propose to add letter (i a) Respecting real network development. Combination of flow-based methodology together with probabilistic approach and intermittent/variable generation mix is difficult to apply. In case of inadequate inclusion of availability of cross border profile the result could cause violation of subsidiarity principle, where regional (even EU) measures (e.g. in area of strategic reserves) could be in conflict with national requirement or measure to secure required level of resource adequacy. Except of flow based methodology this article must also respect real network development and specific conditions of Member States.

Amendment 914
Massimiliano Salini

Proposal for a regulation
Article 19 – paragraph 5 – introductory part

Text proposed by the Commission

5. By [OP: six months after entry into force of this Regulation], the ENTSO for Electricity shall submit to the Agency a draft methodology for calculating:

Amendment

5. By [OP: six months after entry into force of this Regulation], the ENTSO for Electricity shall **publish and** submit to the Agency a draft methodology for calculating:

Or. en

Amendment 915
Adam Gierek, Krystyna Łybacka

Proposal for a regulation
Article 19 – paragraph 5 – point a
 Regulation (EC) No 714/2009 of the European Parliament and of the Council

Text proposed by the Commission

(a) the value of lost load;

Amendment

(a) **the value of lost load. The methodology for calculating** the value of lost load **shall allow Member States to take account of local economic conditions;**

Or. pl

Justification

The purpose of the amendment is to enable Member States to take account of their own specific circumstances and avoid discrimination between Member States.

Amendment 916 **Cristian-Silviu Buşoi**

Proposal for a regulation **Article 19 – paragraph 5 – point a**

Text proposed by the Commission

(a) the value of lost load;

Amendment

(a) the value of lost load. ***The methodology for calculating the value of lost load shall enable Member States to take into account local economic conditions;***

Or. en

Amendment 917 **Rolandas Paksas**

Proposal for a regulation **Article 19 – paragraph 5 – point a**

Text proposed by the Commission

(a) the value of lost load;

Amendment

(a) the value of lost load. ***The methodology for calculating the value of lost load shall enable Member States to take into account local economic conditions;***

Or. en

Amendment 918 **Jerzy Buzek, Janusz Lewandowski, Marian-Jean Marinescu**

Proposal for a regulation **Article 19 – paragraph 5 – point a**

Text proposed by the Commission

Amendment

(a) the value of lost load;

(a) the value of lost load. ***The methodology for calculating the value of lost load shall enable Member States to take into account local economic conditions;***

Or. en

Justification

The proposed amendments aim to mitigate those economic differences between Member States and to avoid discrimination against the customers of any Member State.

Amendment 919

Pilar del Castillo Vera, Pilar Ayuso, Francesc Gambús

Proposal for a regulation

Article 19 – paragraph 5 – point a

Text proposed by the Commission

Amendment

(a) the value of lost load;

(a) the value of lost load, ***taking into account the level of interconnection of each Member State;***

Or. en

Amendment 920

Patrizia Toia

Proposal for a regulation

Article 19 – paragraph 5 – point c

Text proposed by the Commission

Amendment

(c) the reliability standard expressed as "expected energy not served" and the "loss of load expectation".

(c) the reliability standard expressed as "expected energy not served" and the "loss of load expectation". ***Member States shall set the target value for reliability standard in compliance with the EU adequacy methodology developed by Entso-E.***

Or. en

Amendment 921
Cristian-Silviu Buşoi

Proposal for a regulation
Article 19 – paragraph 5 – point c – point 1 (new)

Text proposed by the Commission

Amendment

1) (d) technical conditions of generation and grid operation, including plant type parameters, maintenance schedules, power plant, grid outages and the derating factors for all generation installations;

Or. en

Amendment 922
Adam Gierek, Krystyna Łybacka

Proposal for a regulation
Article 19 – paragraph 5 – point c a (new)
Regulation (EC) No 714/2009 of the European Parliament and of the Council

Text proposed by the Commission

Amendment

(ca) The technical conditions of generators and network operators, taking into account the parameters specific to the generation unit concerned, the maintenance of timelines, the specific characteristics of the generation units, transmission shutdowns and factors reducing the value for all generation units;

Or. pl

Justification

ENTSO-E should draw up common methodology for calculating the impact of factors reducing the value for all generation units so that the European generation adequacy assessment can take into account the actual capacity of generation units to provide power to the system.

Amendment 923

Jerzy Buzek, Janusz Lewandowski, Marian-Jean Marinescu

Proposal for a regulation

Article 19 – paragraph 5 – point c a (new)

Text proposed by the Commission

Amendment

(ca) technical conditions of generation and grid operation, including plant type parameters, maintenance schedules, power plant, grid outages and the derating factors for all generation installations;

Or. en

Justification

ENTSO-E should prepare a unified method of calculation of the derating factors for all generation installations, so that the ERAA may appropriately take into account the actual contribution of all resources.

Amendment 924

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 19 – paragraph 6

Text proposed by the Commission

Amendment

6. The proposals under paragraphs 2 and 5 and the results of the European resource adequacy assessment under paragraph 3 shall be subject to prior consultation and approval by the Agency under the procedure set out in Article 22.

6. The proposals under paragraphs 2 and 5, **the scenarios and assumptions on which they are based** and the results of the European resource adequacy assessment under paragraph 3 shall be subject to prior consultation **of all interested stakeholders** and approval by the Agency under the procedure set out in Article 22.

Or. en

Amendment 925

Dario Tamburrano, David Borrelli

Proposal for a regulation

Article 19 – paragraph 6

Text proposed by the Commission

6. The proposals under paragraphs 2 and 5 and the results of the European resource adequacy assessment under paragraph 3 shall be subject to prior consultation and approval by the Agency under the procedure set out in Article 22.

Amendment

6. The proposals under paragraphs 2 and 5, ***the scenario and assumptions on which they are based***, and the results of the European resource adequacy assessment under paragraph 3 shall be subject to prior consultation ***of all relevant stakeholders*** and approval by the Agency under the procedure set out in Article 22.

Or. en

Justification

The European resource adequacy assessment must be fully transparent, including the underlying scenarios and assumptions, to be adequately scrutinised by stakeholders.

Amendment 926

Cornelia Ernst

Proposal for a regulation

Article 19 – paragraph 6

Text proposed by the Commission

6. The proposals under paragraphs 2 and 5 and the results of the European resource adequacy assessment under paragraph 3 shall be subject to prior consultation and approval by the Agency under the procedure set out in Article 22.

Amendment

6. The proposals under paragraphs 2 and 5, ***the scenarios and assumptions on which they are based***, and the results of the European resource adequacy assessment under paragraph 3 shall be subject to prior consultation ***of all relevant stakeholders*** and approval by the Agency under the procedure set out in Article 22.

Or. en

Amendment 927

Kathleen Van Brempt, Ivo Belet

Proposal for a regulation

Article 19 – paragraph 6

Text proposed by the Commission

6. The proposals under paragraphs 2 and 5 and the results of the European resource adequacy assessment under paragraph 3 shall be subject to prior consultation and approval by the Agency under the procedure set out in Article 22.

Amendment

6. The proposals under paragraphs 2 and 5, ***the scenarios and assumptions on which they are based***, and the results of the European resource adequacy assessment under paragraph 3 shall be subject to prior consultation and approval by the Agency under the procedure set out in Article 22.

Or. en

Amendment 928

Pilar del Castillo Vera, Pilar Ayuso, Francesc Gambús

**Proposal for a regulation
Article 19 – paragraph 6**

Text proposed by the Commission

6. The proposals under paragraphs 2 and 5 ***and the results of the European resource adequacy assessment under paragraph 3*** shall be subject to prior consultation and approval by the Agency under the procedure set out in Article 22.

Amendment

6. The proposals under paragraphs 2 and 5 shall be subject to prior consultation and approval by the Agency under the procedure set out in Article 22.

Or. en

Amendment 929

Patrizia Toia

**Proposal for a regulation
Article 19 – paragraph 6**

Text proposed by the Commission

6. The proposals under paragraphs 2 and 5 ***and the results of the European resource adequacy assessment under paragraph 3*** shall be subject to prior consultation and approval by the Agency under the procedure set out in Article 22.

Amendment

6. The proposals under paragraphs 2 and 5 shall be subject to prior consultation and approval by the Agency under the procedure set out in Article 22.

Or. en

Justification

The estimate and the proposal of the indicators as in par. 5 shall be set by Member States in compliance with the EU Adequacy methodology developed by Entso-E.

Amendment 930

Massimiliano Salini

Proposal for a regulation

Article 19 – paragraph 6

Text proposed by the Commission

6. The proposals under paragraphs 2 and 5 and the results of the European resource adequacy assessment under paragraph 3 shall be subject to prior consultation and approval by the Agency under the procedure set out in Article 22.

Amendment

6. The **methodology** proposals under paragraphs 2, 4 and 5 and the results of the European resource adequacy assessment under paragraph 3 shall be subject to prior **stakeholder** consultation and approval by the Agency under the procedure set out in Article 22.

Or. en

Amendment 931

Flavio Zanonato

Proposal for a regulation

Article 19 a (new)

Text proposed by the Commission

Amendment

Article 19 a

Capacity mechanisms

1) To address residual concerns that cannot be eliminated by the measures pursuant to Article 18 (3), Member States may introduce capacity mechanisms as a last resort, subject to the provisions of this Article and to Union State aid rules. The amount of capacity committed in the mechanism shall not go beyond what is strictly necessary to address the identified concern. The parameters determining the amount of capacity procured in the capacity mechanism shall be approved by

the national regulatory authority.

2) Capacity mechanisms shall not create unnecessary market distortions or inhibit cross-border trade. They shall be open to all generation technologies, storage and demand-side response.

3) Prior to introducing capacity mechanisms under paragraph 2, Member States shall conduct a comprehensive study on their possible effects on the neighbouring Member States by consulting, at least, its electrically connected neighbouring Member States and the stakeholders of those Member State.

4) Member States shall assess whether a capacity mechanism in the form of strategic reserve can address their adequacy concerns identified in the European resource adequacy assessment. If this is the case, Member States shall introduce a strategic reserve. Only where this is not the case, Member States may implement a capacity mechanism other than a strategic reserve.

5) Member States shall not introduce capacity mechanisms where:

(a) the European resource adequacy assessment has not identified a resource adequacy concern; or

(b) the detailed roadmap as referred to in Article 18(3) has not received a positive decision by the Commission as referred to in Article 18(3b).

6) Where a Member State applies as capacity mechanism, it shall review that mechanism and provide that no new contracts are concluded under that mechanism where:

(a) the European resource adequacy assessment has not identified a resource adequacy concern; and/or

(b) the measures referred to in Article 18(3) have been sufficiently implemented

in accordance with Article 18(3e).

7) Capacity mechanisms shall be temporary. They shall be approved by the Commission for no longer than five years. They shall be phased out or at least phased down, based on the implementation plan pursuant to Article 18(3).

8) With the exception of strategic reserves, generation capacity emitting 450 gr CO₂/kWh or more shall not be committed in capacity mechanisms after (at the date of entry into force of this Regulation).

Or. en

Amendment 932

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

Proposal for a regulation Article 19 a (new)

Text proposed by the Commission

Amendment

Article 19 a

Capacity mechanisms

1) To address residual concerns that cannot be eliminated by the measures pursuant to Article 18 (3), Member States may introduce capacity mechanisms as a last resort, subject to the provisions of this Article and to Union State aid rules. The amount of capacity committed in the mechanism shall not go beyond what is strictly necessary to address the identified concern. The parameters determining the amount of capacity procured in the capacity mechanism shall be approved by the national regulatory authority.

2) Capacity mechanisms shall not create unnecessary market distortions or inhibit cross-border trade. They shall be open to all generation technologies, storage and

demand-side response

3) Prior to introducing capacity mechanisms under paragraph 2, Member State shall conduct a comprehensive study on their possible effects on the neighbouring Member States by consulting, at least, its electrically connected neighbouring Member States and the stakeholders of those Member States.

4) Member States shall assess whether a capacity mechanism in the form of strategic reserve can address their adequacy concerns identified in the European resource adequacy assessment. If this is the case, Member States shall introduce a strategic reserve. Only where this is not the case, Member States may implement a capacity mechanism other than a strategic reserve.

5) Member States shall not introduce capacity mechanisms where:

(a) the European resource adequacy assessment has not identified a resource adequacy concern; or

(b) the detailed roadmap as referred to in Article 18(3) has not received a positive decision by the Commission.

6) Where a Member State applies a capacity mechanism, it shall review that mechanism and provide that no new contracts are concluded under that mechanism where:

(a) the European resource adequacy assessment has not identified a resource adequacy concern; and/or

(b) the measures referred to in Article 18(3) have been sufficiently implemented.

7) Capacity mechanisms shall be temporary. They shall be approved by the Commission for no longer than five years. They shall be phased out or at least phased down, based on the implementation plan pursuant to Article

18(3).

8) With the exception of strategic reserves, generation capacity emitting 550 gr CO₂/kWh or more shall not be committed in capacity mechanisms after [at the date of entry into force of this Regulation].

Or. en

Amendment 933
Carolina Punset

Proposal for a regulation
Article 20 – paragraph 1

Text proposed by the Commission

1. When applying capacity mechanisms Member States shall have a reliability standard in place indicating **their desired** level of security of supply in a transparent manner.

Amendment

1. When applying capacity mechanisms Member States shall have a reliability standard in place indicating **the necessary** level of security of supply in a transparent manner. **A thorough cost-benefit analysis shall be carried out to justify the necessity of achieving a certain level of security of supply, as well as to justify the need to adopt capacity mechanisms in order to achieve such necessary level.**

Or. en

Justification

The necessary level of security of supply should be established taking into account the value that consumers place on electricity (VoLL – value of lost load), by the match between the incremental cost of insuring consumers against blackouts and the cost of incremental blackouts to consumers. In relation to achieving such necessary level and since capacity remuneration mechanisms distort the market, they should only be adopted after verification of both their technical necessity and their economic efficiency, after having evaluated other alternative options.

Amendment 934
Kaja Kallas, Fredrick Federley, Morten Helveg Petersen, Angelika Mlinar, Carolina Punset, Gerben-Jan Gerbrandy

Proposal for a regulation
Article 20 – paragraph 1

Text proposed by the Commission

1. When applying capacity mechanisms Member States shall have a reliability standard in place indicating their desired level of security of supply in a transparent manner.

Amendment

1. When applying capacity mechanisms Member States shall have a reliability standard in place indicating their desired level of security of supply in a transparent manner. ***In case of cross-border bidding zones, such reliability standards shall be established jointly by the relevant authorities.***

Or. en

Amendment 935
Cornelia Ernst

Proposal for a regulation
Article 20 – paragraph 1

Text proposed by the Commission

1. When applying capacity mechanisms Member States shall have a reliability standard in place indicating ***their desired*** level of security of supply in a transparent manner.

Amendment

1. When applying capacity mechanisms Member States shall have a reliability standard in place indicating ***the*** level of security of supply ***that they deem necessary*** in a transparent ***and objective*** manner. ***The reliability standard shall be set at a technically feasible and cost-effective level.***

Or. en

Justification

It is possible, that in seeking to justify the use of a capacity mechanism, a Member State could set an unnecessarily high and unrealisable reliability standard, which would require the use of such a capacity mechanism for it to be met. In the interests of well-functioning markets and minimising the cost of electricity to consumers, the reliability standard should be set at the most technically feasible and cost effective level.

Amendment 936
Claude Turmes
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 20 – paragraph 1

Text proposed by the Commission

1. When applying capacity mechanisms Member States shall have a reliability standard in place indicating their ***desired*** level of security of supply in a transparent manner.

Amendment

1. When applying capacity mechanisms Member States shall have a reliability standard in place indicating their ***necessary*** level of security of supply in a transparent manner. ***This reliability standard should be set at a technically feasible and cost effective level.***

Or. en

Amendment 937
Dario Tamburrano, David Borrelli

Proposal for a regulation
Article 20 – paragraph 1

Text proposed by the Commission

1. When applying capacity mechanisms Member States shall have a reliability standard in place ***indicating their desired*** level of security of supply in a transparent manner.

Amendment

1. When applying capacity mechanisms Member States shall have a reliability standard in place ***to determine the necessary*** level of security of supply in a transparent manner.

Or. en

Justification

When identifying the necessary level of security of supply, Member States shall consider the potentially negative environmental impacts of electricity generation and the need to avoid environmentally harmful subsidies.

Amendment 938
Martina Werner, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López

Proposal for a regulation
Article 20 – paragraph 1

Text proposed by the Commission

1. When applying capacity mechanisms Member States shall have a reliability standard in place indicating their ***desired*** level of security of supply in a transparent manner.

Amendment

1. When applying capacity mechanisms Member States shall have a reliability standard in place indicating their ***required*** level of security of supply in a transparent manner.

Or. en

Amendment 939

Françoise Grossetête

Proposal for a regulation

Article 20 – paragraph 1

Text proposed by the Commission

1. ***When applying capacity mechanisms*** Member States shall have a reliability standard in place indicating their desired level of security of supply in a transparent manner.

Amendment

1. Member States shall have a reliability standard in place indicating their desired level of security of supply in a transparent manner.

Or. en

Amendment 940

Pavel Telička

Proposal for a regulation

Article 20 – paragraph 1

Text proposed by the Commission

1. ***When applying capacity mechanisms*** Member States shall have a reliability standard in place indicating their desired level of security of supply in a transparent manner.

Amendment

1. Member States shall have a reliability standard in place indicating their desired level of security of supply in a transparent manner.

Or. en

Amendment 941

Dario Tamburrano, David Borrelli

**Proposal for a regulation
Article 20 – paragraph 2**

Text proposed by the Commission

2. The reliability standard shall be set by the national regulatory authority based on the methodology pursuant to Article 19(5).

Amendment

2. The reliability standard shall be set by the national regulatory authority based on the methodology pursuant to Article 19(5), ***taking into account the principles of necessity and proportionality and the need to avoid the negative impacts of environmentally harmful subsidies and market distortions via the creation of overcapacity.***

Or. en

Justification

When identifying the necessary level of security of supply, Member States shall consider the potentially negative environmental impacts of electricity generation and the need to avoid environmentally harmful subsidies.

**Amendment 942
Cornelia Ernst**

**Proposal for a regulation
Article 20 – paragraph 2**

Text proposed by the Commission

2. The reliability standard shall be set by the national regulatory authority based on the methodology pursuant to Article 19(5).

Amendment

2. The reliability standard shall be set by the national regulatory authority based on the methodology pursuant to Article 19(5), ***taking into account the evolution of electricity demands, the principles of necessity and proportionality and the need to avoid environmentally and economically harmful subsidies.***

Or. en

**Amendment 943
Claude Turmes**

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on behalf of the Verts/ALE Group

Proposal for a regulation
Article 20 – paragraph 2

Text proposed by the Commission

2. The reliability standard shall be set by the national regulatory authority based on the methodology pursuant to Article 19(5).

Amendment

2. The reliability standard shall be set by the national regulatory authority based on the methodology pursuant to Article 19(5), ***taking into account the principles of necessity and proportionality and the need to avoid the negative impacts of environmentally harmful subsidies.***

Or. en

Amendment 944
Evžen Tošenovský

Proposal for a regulation
Article 20 – paragraph 2

Text proposed by the Commission

2. The reliability standard shall be set by the national regulatory authority based on the methodology pursuant to Article 19(5).

Amendment

2. The reliability standard shall be set by the national regulatory authority ***Member state or by the Member state designated authority*** based on the methodology pursuant to Article ***19 (5)***

Or. en

Amendment 945
Ashley Fox

Proposal for a regulation
Article 20 – paragraph 2

Text proposed by the Commission

2. The reliability standard shall be set by the national regulatory authority based on ***the*** methodology pursuant to Article 19(5).

Amendment

2. The reliability standard shall be set by the national regulatory authority based on ***an agreed*** methodology, ***such as that*** pursuant to Article 19(5).

Amendment 946
Jaromír Kohlíček

Proposal for a regulation
Article 20 – paragraph 2

Text proposed by the Commission

2. The reliability standard shall be set by the ***national regulatory*** authority based on the methodology pursuant to Article 19(5).

Amendment

2. The reliability standard shall be set by the ***Member state or by the Member state designated*** authority based on the methodology pursuant to Article 19(5).

Or. en

Justification

We prefer to set reliability standard either directly by Member State or indirectly by Member State's designated authority

Amendment 947

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

Proposal for a regulation
Article 20 – paragraph 3

Text proposed by the Commission

3. The reliability standard shall be calculated using the ***value of lost load and the*** cost of new entry over a given timeframe.

Amendment

3. The reliability standard shall be calculated using the cost of new entry over a given timeframe.

Or. en

Amendment 948
Ashley Fox

Proposal for a regulation
Article 20 – paragraph 4

Text proposed by the Commission

4. The parameters determining the amount of capacity procured in the capacity mechanism shall be approved by the ***national regulatory*** authority.

Amendment

4. The parameters determining the amount of capacity procured in the capacity mechanism shall be approved by the ***competent*** authority.

Or. en

Amendment 949

Edouard Martin, Pervenche Berès

Proposal for a regulation

Article 21 – paragraph 1

Text proposed by the Commission

1. ***Mechanisms other than strategic reserves*** shall be open to direct ***participation of capacity providers located in another Member State*** provided there is a network connection between ***that*** Member ***State*** and the bidding zone applying the mechanism.

Amendment

1. ***Where it is technically possible, capacity mechanisms*** shall be open to direct ***cross-border participation with other Member States***, provided there is a ***direct*** network connection between ***those*** Member ***States*** and the bidding zone applying the mechanism. ***In such cases, direct cross-border participation shall be open to capacity providers located in the Member States concerned and, where this is not possible, to interconnections with the Member State implementing the capacity mechanism.***

Or. fr

Amendment 950

Jerzy Buzek, Janusz Lewandowski, Marian-Jean Marinescu

Proposal for a regulation

Article 21 – paragraph 1

Text proposed by the Commission

1. Mechanisms other than strategic reserves shall be open to direct participation ***of capacity providers*** located in another Member State provided there is

Amendment

1. Mechanisms other than strategic reserves shall be open to direct ***cross-border participation, by which capacities*** located in another Member State provided

a network connection between that Member State **and the bidding zone applying the** mechanism.

there is a network connection between that Member State **or interconnectors can be certified in the capacity mechanism and remunerated for their participation, subject to limitations mentioned in paragraphs 2 and 2a.**

Or. en

Justification

Member States should be enabled to determine the rules of cross-border participation in their capacity mechanism with a necessary degree of flexibility.

Amendment 951
Cristian-Silviu Buşoi

Proposal for a regulation
Article 21 – paragraph 1

Text proposed by the Commission

1. Mechanisms other than strategic reserves shall be open to direct participation **of capacity providers** located in another Member State **provided there is a network connection between that Member State and the bidding zone applying the mechanism.**

Amendment

1. Mechanisms other than strategic reserves shall be open to direct **cross-border** participation, **by which capacities** located in another Member State **or interconnectors can be certified in the capacity mechanism and remunerated for their participation, subject to limitations mentioned in paragraphs 2 and 2a.**

Or. en

Amendment 952
Zdzisław Krasnodębski

Proposal for a regulation
Article 21 – paragraph 1

Text proposed by the Commission

1. Mechanisms other than strategic reserves shall be open to direct participation **of capacity providers** located in another Member State **provided there is a network connection between that**

Amendment

1. Mechanisms other than strategic reserves shall be open to direct **cross-border** participation, **by which capacities** located in another Member State **and/or interconnectors can be certified in**

Member State and the bidding zone applying the mechanism.

the capacity mechanism and remunerated for their participation, subject to limitations mentioned in paragraph 2a.

Or. en

Amendment 953

Adam Gierek, Krystyna Łybacka

Proposal for a regulation

Article 21 – paragraph 1

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

Text proposed by the Commission

1. Mechanisms other than strategic reserves shall be open to direct participation of capacity providers located in another Member State *provided there is a network connection between that Member State and the bidding zone applying the mechanism.*

Amendment

1. Mechanisms other than strategic reserves shall be open to direct participation of capacity providers located in another Member State *to the extent that the capacity located in another Member State can be certified in the capacity mechanism concerned, taking into account the limits set out in paragraphs 2 and 2a.*

Or. pl

Justification

Member States should be able to specify the rules on the participation of cross-border capacity in capacity mechanisms, while retaining some flexibility in the application of the adopted criteria.

Amendment 954

Paul Rübzig

Proposal for a regulation

Article 21 – paragraph 1

Text proposed by the Commission

1. Mechanisms other than strategic reserves shall be open to direct participation of capacity providers located in another Member State provided there is a network connection between that

Amendment

1. *All capacity* mechanisms other than strategic reserves shall be open to direct participation of capacity providers located in another Member State provided there is a network connection between that

Member State and the bidding zone applying the mechanism.

Member State and the bidding zone applying the mechanism.

Or. en

Justification

There should not be an exception for strategic reserves.

Amendment 955

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

**Proposal for a regulation
Article 21 – paragraph 1**

Text proposed by the Commission

1. Mechanisms other than strategic reserves shall be open to direct participation of capacity providers located in another Member State provided there is a network connection between that Member State and the bidding zone applying the mechanism.

Amendment

1. Mechanisms other than strategic reserves shall be open to direct participation of capacity providers located in another Member State provided there is a **physical** network connection between that Member State and the bidding zone applying the mechanism.

Or. en

Amendment 956

Massimiliano Salini

**Proposal for a regulation
Article 21 – paragraph 1**

Text proposed by the Commission

1. **Mechanisms other than** strategic reserves shall be open to direct participation of capacity providers located in another Member State provided there is a network connection between that Member State and the bidding zone applying the mechanism.

Amendment

1. **Capacity mechanisms and** strategic reserves shall be open to direct participation of capacity providers located in another Member State provided there is a network connection between that Member State and the bidding zone applying the mechanism.

Or. en

Amendment 957

András Gyürk, György Hölvényi

Proposal for a regulation

Article 21 – paragraph 1

Text proposed by the Commission

1. Mechanisms other than strategic reserves **shall** be open to direct participation of capacity providers located in another Member State provided there is a network connection between that Member State and the bidding zone applying the mechanism.

Amendment

1. Mechanisms other than strategic reserves **may** be open to direct participation of capacity providers located in another Member State provided there is a network connection between that Member State and the bidding zone applying the mechanism.

Or. en

Amendment 958

Jaromír Kohlíček

Proposal for a regulation

Article 21 – paragraph 1

Text proposed by the Commission

1. Mechanisms **other than strategic reserves** shall be open to direct participation of capacity providers located in another Member State provided there is a network connection between that Member State and the bidding zone applying the mechanism.

Amendment

1. Mechanisms shall be open to direct participation of capacity providers located in another Member State provided there is a network connection between that Member State and the bidding zone applying the mechanism.

Or. en

Justification

Commission's proposal in Article 21 para 1 excludes cross border participation in capacity mechanism for strategic reserve. This exception is not justified anywhere in the proposal and in our opinion there is neither any theoretical reason for such exception. Strategic reserve is standard form of capacity mechanism, where cross border participation can bring increased effectivity. With regard to strategic reserve, this topic is of particular interest and brings new possibility to effectively share generation adequacy surplus of neighbouring countries.

Amendment 959
Evžen Tošenovský

Proposal for a regulation
Article 21 – paragraph 1

Text proposed by the Commission

1. Mechanisms *other than strategic reserves* shall be open to direct participation of capacity providers located in another Member State provided there is a network connection between that Member State and the bidding zone applying the mechanism.

Amendment

1. Mechanisms shall be open to direct participation of capacity providers located in another Member State provided there is a network connection between that Member State and the bidding zone applying the mechanism.

Or. en

Amendment 960
Pavel Telička

Proposal for a regulation
Article 21 – paragraph 1

Text proposed by the Commission

1. Mechanisms *other than strategic reserves* shall be open to direct participation of capacity providers located in another Member State provided there is a network connection between that Member State and the bidding zone applying the mechanism.

Amendment

1. Mechanisms shall be open to direct participation of capacity providers located in another Member State provided there is a network connection between that Member State and the bidding zone applying the mechanism.

Or. en

Amendment 961
Luděk Niedermayer

Proposal for a regulation
Article 21 – paragraph 1

Text proposed by the Commission

1. *Mechanisms other than strategic reserves* shall be open to direct

Amendment

1. *Capacity mechanisms* shall be open to direct participation of capacity

participation of capacity providers located in another Member State provided there is a network connection between that Member State and the bidding zone applying the mechanism.

providers located in another Member State provided there is a network connection between that Member State and the bidding zone applying the mechanism.

Or. en

Justification

Cross-border participation should apply to all types of mechanisms aimed at ensuring security of supply, including strategic reserves.

Amendment 962
Françoise Grossetête

Proposal for a regulation
Article 21 – paragraph 1

Text proposed by the Commission

1. *Mechanisms other than strategic reserves* shall be open to direct participation of capacity providers located in another Member State provided there is a network connection between that Member State and the bidding zone applying the mechanism.

Amendment

1. *Capacity mechanisms* shall be open to direct participation of capacity providers located in another Member State provided there is a network connection between that Member State and the bidding zone applying the mechanism.

Or. en

Amendment 963
Pilar del Castillo Vera, Pilar Ayuso, Francesc Gambús

Proposal for a regulation
Article 21 – paragraph 1

Text proposed by the Commission

1. Mechanisms *other than strategic reserves* shall be open to direct participation of capacity providers located in another Member State *provided there is a network connection* between that Member State and the bidding zone

Amendment

1. Mechanisms shall be open to direct *cross-border* participation of capacity providers located in another Member State *according to the level of interconnection* between that Member State and the bidding zone applying the mechanism.

applying the mechanism.

Or. en

Amendment 964

Jerzy Buzek, Janusz Lewandowski, Marian-Jean Marinescu

Proposal for a regulation

Article 21 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that foreign capacity capable of providing equivalent ***technical performance to*** domestic capacities has the opportunity to participate in the same competitive process as domestic capacity.

Amendment

2. Member States shall ensure that ***eligible*** foreign capacity capable of providing equivalent ***contribution to their system adequacy as*** domestic capacities has the opportunity to participate in the same competitive process as domestic capacity.

Or. en

Justification

Member States should be enabled to determine the rules of cross-border participation in their capacity mechanism with a necessary degree of flexibility.

Amendment 965

Cristian-Silviu Buşoi

Proposal for a regulation

Article 21 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that foreign capacity capable of providing equivalent ***technical performance to*** domestic capacities has the opportunity to participate in the same competitive process as domestic capacity.

Amendment

2. Member States shall ensure that ***eligible*** foreign capacity capable of providing equivalent ***contribution to their system adequacy as*** domestic capacities has the opportunity to participate in the same competitive process as domestic capacity.

Or. en

Amendment 966
András Gyürk, György Hölvényi

Proposal for a regulation
Article 21 – paragraph 2

Text proposed by the Commission

2. Member States **shall** ensure that foreign capacity capable of providing equivalent **technical performance** to domestic capacities has the opportunity to participate in the same competitive process as domestic capacity.

Amendment

2. Member States **may** ensure that **eligible** foreign capacity capable of providing equivalent **contribution to their system adequacy** to domestic capacities has the opportunity to participate in the same competitive process as domestic capacity.

Or. en

Justification

Mandatory opening towards foreign capacity might interfere with domestic energy policy goals. Incentives to construct new domestic power plants may dramatically decrease.

Amendment 967
Adam Gierek, Krystyna Łybacka

Proposal for a regulation
Article 21 – paragraph 2

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

Text proposed by the Commission

2. Member States shall ensure that foreign capacity capable of providing equivalent **technical performance** to domestic capacities has the opportunity to participate in the same competitive process as domestic capacity.

Amendment

2. Member States shall ensure that **authorised** foreign capacity capable of providing **an** equivalent **contribution to the system** to domestic capacities has the opportunity to participate in the same competitive process as domestic capacity.

Or. pl

Justification

Member States should be able to specify the rules on the participation of cross-border capacity in capacity mechanisms, while retaining some flexibility in the application of the adopted criteria.

Amendment 968
Edouard Martin, Pervenche Berès

Proposal for a regulation
Article 21 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that foreign capacity capable of providing equivalent technical performance to domestic capacities has the opportunity to participate in the same competitive process as domestic capacity.

Amendment

2. Member States shall ensure that **eligible** foreign capacity capable of providing equivalent technical performance to domestic capacities has the opportunity to participate in the same competitive process as domestic capacity.

Or. fr

Amendment 969
Jerzy Buzek, Janusz Lewandowski, Marian-Jean Marinescu

Proposal for a regulation
Article 21 – paragraph 2 – point 1 (new)

Text proposed by the Commission

Amendment

(1) The Member State applying the mechanism may limit direct cross-border participation to only:

- a. bidding zones with a direct network connection between that bidding zone and the bidding zone applying the mechanism;**
- b. bidding zones not applying a strategic reserve;**
- c. capacity providers that are not already participating in another capacity mechanism for the same delivery period.**

In the specific cases where those limitations are applied, Member States shall however take into account, in their capacity requirements, the contribution to their system adequacy of those ineligible capacities.

Justification

Member State should be entitled to limit the cross-border participation of capacity providers from a bidding zone that applies a strategic reserve.

Amendment 970

Adam Gierek, Krystyna Łybacka

Proposal for a regulation**Article 21 – paragraph 2 a (new)**

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

Text proposed by the Commission

Amendment

2a. A Member State applying a capacity mechanism may limit the direct participation of cross-border capacity:

a. only to those price zones which are directly connected with the price zone in which the capacity mechanism is applied;

b. only to those price zones which do not apply a strategic reserve mechanism;

c. only to those capacity providers who do not participate in any other capacity mechanism in the same supply period.

In specific cases where the above-mentioned limits are applied, Member States shall take into account the contribution to generation adequacy of those capacities which could have participated had the limits not been applied.

Or. pl

Justification

Member States should be able to specify the rules on the participation of cross-border capacity in capacity mechanisms, while retaining some flexibility in the application of the adopted criteria.

Amendment 971

Cristian-Silviu Buşoi

**Proposal for a regulation
Article 21 – paragraph 2 a (new)**

Text proposed by the Commission

Amendment

2a. The Member State applying the mechanism may limit direct cross-border participation:

a. to only bidding zones with a direct network connection between that bidding zone and the bidding zone applying the mechanism;

b. the only bidding zones not applying a strategic reserve;

c. to only capacity providers that are not already participating in another capacity mechanism for the same delivery period. In the specific cases where those limitations are applied, Member States shall however take into account, in their capacity requirements, the contribution to their system adequacy of those ineligible capacities.

Or. en

**Amendment 972
Zdzisław Krasnodebski**

**Proposal for a regulation
Article 21 – paragraph 2 a (new)**

Text proposed by the Commission

Amendment

2a. The Member State applying the mechanism may limit direct cross-border participation to only:

(a) bidding zones with a direct network connection between that bidding zone and the bidding zone applying the mechanism;

(b) bidding zones not applying strategic reserve;

(c) capacity providers that are not already participating in another capacity mechanism for the same delivery period.

Or. en

Amendment 973
Angelika Niebler, Sven Schulze

Proposal for a regulation
Article 21 – paragraph 3

Text proposed by the Commission

3. Member States shall not restrict capacity which is located in their territory from participating in capacity mechanisms of other Member States.

Amendment

3. Member States shall not restrict capacity which is located in their territory from participating in capacity mechanisms of other Member States. ***It should however be borne in mind that, by preference, national capacity meets its needs from domestic sources at times of particular pressure.***

Or. de

Justification

If particular pressure arises, national capacity should be used primarily in the Member State concerned.

Amendment 974
Jerzy Buzek, Janusz Lewandowski, Marian-Jean Marinescu

Proposal for a regulation
Article 21 – paragraph 3

Text proposed by the Commission

3. Member States shall not restrict capacity which ***is*** located in their territory from participating in capacity mechanisms of other Member States.

Amendment

3. Member States shall not restrict ***eligible*** capacity ***providers*** which ***are*** located in their territory from participating in capacity mechanisms of other Member States.

Or. en

Justification

Member States should be enabled to determine the rules of cross-border participation in their capacity mechanism with a necessary degree of flexibility.

Amendment 975

Adam Gierek, Krystyna Łybacka

Proposal for a regulation

Article 21 – paragraph 3

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

Text proposed by the Commission

3. Member States shall not restrict capacity which is located in their territory from participating in capacity mechanisms of other Member States.

Amendment

3. Member States shall not restrict **authorised** capacity which is located in their territory from participating in capacity mechanisms of other Member States.

Or. pl

Justification

Member States should be able to specify the rules on the participation of cross-border capacity in capacity mechanisms, while retaining some flexibility in the application of the adopted criteria.

Amendment 976

Cristian-Silviu Buşoi

Proposal for a regulation

Article 21 – paragraph 3

Text proposed by the Commission

3. Member States shall not restrict capacity **which is** located in their territory from participating in capacity mechanisms of other Member States.

Amendment

3. Member States shall not restrict **eligible** capacity **providers that are** located in their territory from participating in capacity mechanisms of other Member States.

Or. en

Amendment 977

Edouard Martin, Pervenche Berès

**Proposal for a regulation
Article 21 – paragraph 4**

Text proposed by the Commission

4. Cross-border participation in **market-wide** capacity mechanisms shall not change, alter or otherwise impact cross-zonal schedules and physical flows between Member States which shall be determined solely by the outcome of capacity allocation pursuant to Article 14.

Amendment

4. Cross-border participation in capacity mechanisms shall not change, alter or otherwise impact cross-zonal schedules and physical flows between Member States which shall be determined solely by the outcome of capacity allocation pursuant to Article 14.

Or. fr

Amendment 978

Paul Rübiger

**Proposal for a regulation
Article 21 – paragraph 4**

Text proposed by the Commission

4. Cross-border participation in **market-wide** capacity mechanisms shall not change, alter or otherwise impact cross-zonal schedules and physical flows between Member States which shall be determined solely by the outcome of capacity allocation pursuant to Article 14.

Amendment

4. Cross-border participation in capacity mechanisms shall not change, alter or otherwise impact cross-zonal schedules and physical flows between Member States which shall be determined solely by the outcome of capacity allocation pursuant to Article 14.

Or. en

Amendment 979

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

**Proposal for a regulation
Article 21 – paragraph 4**

Text proposed by the Commission

4. Cross-border participation in **market-wide** capacity mechanisms shall not change, alter or otherwise impact cross-

Amendment

4. Cross-border participation in capacity mechanisms shall not change, alter or otherwise impact cross-zonal

zonal schedules and physical flows between Member States which shall be determined solely by the outcome of capacity allocation pursuant to Article 14.

schedules and physical flows between Member States which shall be determined solely by the outcome of capacity allocation pursuant to Article 14.

Or. en

Amendment 980

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation

Article 21 – paragraph 5

Text proposed by the Commission

Amendment

5. Capacity providers shall be able to participate in more than one mechanism for the same delivery period. They shall be subject to non-availability payments in case of non-availability, and subject to two or more non-availability payments where there is concurrent scarcity in two or more bidding zones where the capacity provider is contracted.

deleted

Or. en

Amendment 981

Massimiliano Salini

Proposal for a regulation

Article 21 – paragraph 5

Text proposed by the Commission

Amendment

5. Capacity providers shall be able to participate in more than one mechanism for the same delivery period. *They shall be subject to non-availability payments in case of non-availability, and subject to two or more non-availability payments where there is concurrent scarcity in two or more bidding zones where the capacity provider is contracted.*

5. Capacity providers shall *not* be able to participate in more than one mechanism for the same delivery period.

Amendment 982

Angelika Niebler, Sven Schulze

Proposal for a regulation**Article 21 – paragraph 5***Text proposed by the Commission*

5. Capacity providers shall be able to participate in ***more than*** one mechanism for the same delivery period. They shall be subject to non-availability payments in case of non-availability, ***and subject to two or more non-availability payments where there is concurrent scarcity in two or more bidding zones where the capacity provider is contracted.***

Amendment

5. Capacity providers shall be able to participate in ***only*** one mechanism ***outside the domestic market*** for the same delivery period. They shall be subject to non-availability payments in case of non-availability.

Or. de

Justification

Capacity providers should be able to participate in only one mechanism outside the domestic market for the same delivery period. If capacity providers were to participate in several mechanisms outside the domestic market for the same delivery period, there would be a risk that the necessary capacity might not be available.

Amendment 983

Adam Gierek, Krystyna Lybacka

Proposal for a regulation**Article 21 – paragraph 5**

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

Text proposed by the Commission

5. ***Capacity*** providers shall be able to participate in more than one mechanism for the same delivery period. They shall be subject to non-availability payments in case of non-availability, ***and subject to two or more non-availability payments where there is concurrent scarcity in two or more bidding zones where the capacity***

Amendment

5. ***Notwithstanding the limits set out in paragraph 2, capacity*** providers shall be able to participate in more than one mechanism for the same delivery period. They shall be subject to non-availability payments in case of non-availability.

provider is contracted.

Or. pl

Justification

Member States should be able to specify the rules on the participation of cross-border capacity in capacity mechanisms, while retaining some flexibility in the application of the adopted criteria.

Amendment 984

Pilar del Castillo Vera, Pilar Ayuso, Francesc Gambús

Proposal for a regulation

Article 21 – paragraph 5

Text proposed by the Commission

5. Capacity providers shall be able to participate in more than one mechanism for the same delivery period. They shall be subject to non-availability payments in case of non-availability, ***and subject to two or more non-availability payments where there is concurrent scarcity in two or more bidding zones where the capacity provider is contracted.***

Amendment

5. Capacity providers shall ***not*** be able to participate in more than one mechanism for the same delivery period. They shall be subject to non-availability payments in case of non-availability.

Or. en

Amendment 985

Paul Rübzig

Proposal for a regulation

Article 21 – paragraph 5

Text proposed by the Commission

5. Capacity providers shall be able to participate in more than one mechanism for the same delivery period. They shall be subject to non-availability payments in case of non-availability, and subject to two or more non-availability payments where there is concurrent scarcity in two or more bidding zones where the capacity provider

Amendment

5. Capacity providers shall be able to participate in more than one mechanism for the same delivery period. They shall be subject to non-availability payments in case of non-availability, and subject to two or more non-availability payments where there is concurrent scarcity in two or more bidding zones where the capacity provider

is contracted.

is contracted. ***Capacity providers are allowed to participate with no more than their available maximum capacity.***

Or. en

Justification

While a capacity provider shall be able to participate in more than one mechanism for the same delivery period, capacity providers shall not be allowed to participate with more than their available maximum capacity in order not to endanger security of supply.

Amendment 986

Edouard Martin, Pervenche Berès

Proposal for a regulation

Article 21 – paragraph 5

Text proposed by the Commission

5. Capacity providers shall be able to participate in more than one mechanism for the same delivery period. They shall be subject to non-availability payments in case of non-availability, ***and subject to two or more non-availability payments where there is concurrent scarcity in two or more bidding zones where the capacity provider is contracted.***

Amendment

5. Capacity providers shall be able to participate in more than one mechanism for the same delivery period. They shall be subject to non-availability payments in case of non-availability, ***or if they are unable to fulfil their commitments overall.***

Or. fr

Amendment 987

Cristian-Silviu Buşoi

Proposal for a regulation

Article 21 – paragraph 5

Text proposed by the Commission

5. Capacity providers shall be able to participate in more than one mechanism for the same delivery period. They shall be subject to non-availability payments ***in case of non-availability, and subject to two or more non-availability payments***

Amendment

5. ***Without prejudice to the limitations set out in paragraph 2,*** capacity providers shall be able to participate in more than one mechanism for the same delivery period. They shall be subject to non-availability payments

where there is concurrent scarcity in two or more bidding zones where the capacity provider is contracted.

pursuant to the common rules referred to in paragraph 10(d) in case of non-availability.

Or. en

Amendment 988

Jerzy Buzek, Janusz Lewandowski, Marian-Jean Marinescu

Proposal for a regulation

Article 21 – paragraph 5

Text proposed by the Commission

5. Capacity providers shall be able to participate in more than one mechanism for the same delivery period. They shall be subject to non-availability payments *in case of non-availability, and subject to two or more non-availability payments where there is concurrent scarcity in two or more bidding zones where the capacity provider is contracted.*

Amendment

5. ***Without prejudice to the limitations set out in paragraph 2,*** capacity providers shall be able to participate in more than one mechanism for the same delivery period. They shall be subject to non-availability payments ***pursuant to the common rules referred to in paragraph 10(d) in case of non-availability.***

Or. en

Justification

Member States should be enabled to determine the rules of cross-border participation in their capacity mechanism with a necessary degree of flexibility.

Amendment 989

Angelika Niebler, Sven Schulze

Proposal for a regulation

Article 21 – paragraph 6

Text proposed by the Commission

6. ***Regional operational centres established pursuant to Article 32 shall annually calculate the maximum entry capacity available for the participation of foreign capacity taking into account the expected availability of interconnection and the likely concurrence of system***

Amendment

deleted

stress between the system where the mechanism is applied and the system in which the foreign capacity is located. A calculation is required for each bidding zone border.

Or. de

Justification

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

Amendment 990

Edouard Martin, Pervenche Berès

Proposal for a regulation

Article 21 – paragraph 6

Text proposed by the Commission

6. **Regional operational centres established pursuant to Article 32** shall **annually** calculate the maximum entry capacity available for the participation of foreign capacity taking into account the expected availability of interconnection and the likely concurrence of system stress between the system where the mechanism is applied and the system in which the foreign capacity is located. A calculation is required for each bidding zone border.

Amendment

6. **Where capacity mechanisms are implemented, transmission system managers shall help the regulatory authorities concerned to** calculate the maximum entry capacity available for the participation of foreign capacity taking into account the expected availability of interconnection and the likely concurrence of system stress between the system where the mechanism is applied and the system in which the foreign capacity is located. A calculation is required for each bidding zone border.

Or. fr

Amendment 991

Massimiliano Salini

Proposal for a regulation

Article 21 – paragraph 6

Text proposed by the Commission

6. ***Regional operational centres established pursuant to Article 32 shall annually calculate*** the maximum entry capacity available for the participation of foreign capacity taking into account the expected availability of interconnection and the likely concurrence of system stress between the system where the mechanism is applied and the system in which the foreign capacity is located. A calculation is required for each bidding zone border.

Amendment

6. ***Transmission System Operators shall annually calculate, in coordination with the TSOs concerned,*** the maximum entry capacity available for the participation of foreign capacity taking into account the expected availability of interconnection and the likely concurrence of system stress between the system where the mechanism is applied and the system in which the foreign capacity is located. A calculation is required for each bidding zone border.

Or. en

Amendment 992

Zdzisław Krasnodebski

Proposal for a regulation

Article 21 – paragraph 6

Text proposed by the Commission

6. ***Regional operational centres established pursuant to Article 32*** shall annually calculate the maximum entry capacity available for the participation of foreign capacity taking into account the expected availability of interconnection and the likely concurrence of system stress between the system where the mechanism is applied and the system in which the foreign capacity is located. A calculation is required for each bidding zone border.

Amendment

6. ***Transmission system operators*** shall annually calculate the maximum entry capacity available for the participation of foreign capacity taking into account the expected availability of interconnection and the likely concurrence of system stress between the system where the mechanism is applied and the system in which the foreign capacity is located. A calculation is required for each bidding zone border.

Or. en

Amendment 993

Marian-Jean Marinescu

Proposal for a regulation

Article 21 – paragraph 6

Text proposed by the Commission

6. **Regional operational centres established pursuant to Article 32** shall annually calculate the maximum entry capacity available for the participation of foreign capacity taking into account the expected availability of interconnection and the likely concurrence of system stress between the system where the mechanism is applied and the system in which the foreign capacity is located. A calculation is required for each bidding zone border.

Amendment

6. **Transmission system operators** shall annually calculate the maximum entry capacity available for the participation of foreign capacity taking into account the expected availability of interconnection and the likely concurrence of system stress between the system where the mechanism is applied and the system in which the foreign capacity is located. A calculation is required for each bidding zone border.

Or. en

Amendment 994
Cristian-Silviu Buşoi

Proposal for a regulation
Article 21 – paragraph 6

Text proposed by the Commission

6. **Regional operational centres established pursuant to Article 32** shall annually calculate the maximum entry capacity available for the participation of foreign capacity taking into account the expected availability of interconnection and the likely concurrence of system stress between the system where the mechanism is applied and the system in which the foreign capacity is located. A calculation is required for each bidding zone border.

Amendment

6. **Transmission system operators** shall annually calculate the maximum entry capacity available for the participation of foreign capacity taking into account the expected availability of interconnection and the likely concurrence of system stress between the system where the mechanism is applied and the system in which the foreign capacity is located. A calculation is required for each bidding zone border.

Or. en

Amendment 995
Jerzy Buzek, Janusz Lewandowski, Marian-Jean Marinescu

Proposal for a regulation
Article 21 – paragraph 6

Text proposed by the Commission

6. **Regional operational centres established pursuant to Article 32** shall annually calculate the maximum entry capacity available for the participation of foreign capacity taking into account the expected availability of interconnection and the likely concurrence of system stress between the system where the mechanism is applied and the system in which the foreign capacity is located. A calculation is required for each bidding zone border.

Amendment

6. **Transmission system operators** shall annually calculate the maximum entry capacity available for the participation of foreign capacity taking into account the expected availability of interconnection and the likely concurrence of system stress between the system where the mechanism is applied and the system in which the foreign capacity is located. A calculation is required for each bidding zone border.

Or. en

Justification

Considering the fact that Regional Security Coordinators would not be entrusted with the competence to calculate the maximum entry capacity available for the participation of foreign capacity in the capacity mechanism, this provision should be amended accordingly.

Amendment 996

Adam Gierek, Krystyna Lybacka

Proposal for a regulation

Article 21 – paragraph 6

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

Text proposed by the Commission

6. **Regional operational centres established pursuant to Article 32** shall annually calculate the maximum entry capacity available for the participation of foreign capacity taking into account the expected availability of interconnection and the likely concurrence of system stress between the system where the mechanism is applied and the system in which the foreign capacity is located. A calculation is required for each bidding zone border.

Amendment

6. **Transmission system operators** shall annually calculate the maximum entry capacity available for the participation of foreign capacity taking into account the expected availability of interconnection and the likely concurrence of system stress between the system where the mechanism is applied and the system in which the foreign capacity is located. A calculation is required for each bidding zone border.

Or. pl

Justification

This competence should remain with the Member States.

Amendment 997 **Evžen Tošenovský**

Proposal for a regulation **Article 21 – paragraph 6**

Text proposed by the Commission

6. ***Regional operational centres established pursuant to Article 32*** shall annually calculate the maximum entry capacity available for the participation of foreign capacity taking into account the expected availability of interconnection and the likely concurrence of system stress between the system where the mechanism is applied and the system in which the foreign capacity is located. A calculation is required for each bidding zone border.

Amendment

6. ***Relevant transmission system operator*** shall annually calculate the maximum entry capacity available for the participation of foreign capacity taking into account the expected availability of interconnection and the likely concurrence of system stress between the system where the mechanism is applied and the system in which the foreign capacity is located. A calculation is required for each bidding zone border.

Or. en

Amendment 998 **Jaromír Kohlíček**

Proposal for a regulation **Article 21 – paragraph 6**

Text proposed by the Commission

6. ***Regional operational centres established pursuant to Article 32*** shall annually calculate the maximum entry capacity available for the participation of foreign capacity taking into account the expected availability of interconnection and the likely concurrence of system stress between the system where the mechanism is applied and the system in which the foreign capacity is located. A calculation is required for each bidding zone border.

Amendment

6. ***Relevant transmission system operator*** shall annually calculate the maximum entry capacity available for the participation of foreign capacity taking into account the expected availability of interconnection and the likely concurrence of system stress between the system where the mechanism is applied and the system in which the foreign capacity is located. A calculation is required for each bidding zone border.

Amendment 999

Pilar del Castillo Vera, Pilar Ayuso, Francesc Gambús

Proposal for a regulation

Article 21 – paragraph 6

Text proposed by the Commission

6. ***Regional operational centres established pursuant to Article 32*** shall ***annually*** calculate the maximum entry capacity available for the participation of foreign capacity taking into account the expected availability of interconnection and the likely concurrence of system stress between the system where the mechanism is applied and the system in which the foreign capacity is located. A calculation is required for each bidding zone border.

Amendment

6. ***Where capacity systems are applied, transport system operators*** shall calculate the maximum entry capacity available for the participation of foreign capacity taking into account the expected availability of interconnection and the likely concurrence of system stress between the system where the mechanism is applied and the system in which the foreign capacity is located. A calculation is required for each bidding zone border.

Amendment 1000

Ashley Fox

Proposal for a regulation

Article 21 – paragraph 8

Text proposed by the Commission

8. ***Any difference in the cost of foreign capacity and domestic capacity arising through the allocation referred to in paragraph 7 shall accrue to transmission system operators and be shared between them according to the methodology referred in point (b) of paragraph 10. Transmission system operators shall use such revenues for the purposes set out in Article 17(2).***

Amendment

deleted

Amendment 1001

Edouard Martin, Pervenche Berès

Proposal for a regulation

Article 21 – paragraph 8

Text proposed by the Commission

8. Any ***difference in the cost of foreign capacity and domestic capacity arising through*** the allocation referred to in paragraph 7 shall ***accrue to transmission system operators and be shared between them according to the methodology referred in point (b) of paragraph 10.*** Transmission system operators shall use such revenues for the purposes set out in Article 17(2).

Amendment

8. Any ***revenue arising for transmission system managers from*** the allocation referred to in paragraph 7 shall ***be shared among them according to a methodology approved by the regulatory authority of the Member State in which the capacity mechanism is implemented after it has considered the opinions of the regulatory authorities of the neighbouring Member States.*** Transmission system operators shall use such revenues for the purposes set out in Article 17(2).

Or. fr

Amendment 1002

Edouard Martin, Pervenche Berès

Proposal for a regulation

Article 21 – paragraph 9 – introductory part

Text proposed by the Commission

9. ***The transmission system operator*** where the foreign capacity is located shall:

Amendment

9. ***Transmission system operators*** where the foreign capacity is located shall:

Or. fr

Amendment 1003

Edouard Martin, Pervenche Berès

Proposal for a regulation

Article 21 – paragraph 9 – point a

Text proposed by the Commission

Amendment

(a) establish whether interested capacity providers can provide the technical performance as required by the capacity mechanism in which the capacity provider intends to participate and register the capacity provider in the registry as eligible capacity providers.

(Does not affect the English version.)

Or. fr

Amendment 1004
Edouard Martin, Pervenche Berès

Proposal for a regulation
Article 21 – paragraph 9 – point b

Text proposed by the Commission

Amendment

(b) carry out availability checks as appropriate.

(Does not affect the English version.)

Or. fr

Amendment 1005
Edouard Martin, Pervenche Berès

Proposal for a regulation
Article 21 – paragraph 10 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) ***a methodology for calculating*** the maximum entry capacity for cross-border participation as referred to in paragraph 6;

(a) ***principles for assessing*** the maximum entry capacity for cross-border participation as referred to in paragraph 6;

Or. fr

Amendment 1006
Edouard Martin, Pervenche Berès

Proposal for a regulation
Article 21 – paragraph 10 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) *a methodology for sharing the revenues referred to in paragraph 8;* *deleted*

Or. fr

Amendment 1007

Edouard Martin, Pervenche Berès

Proposal for a regulation

Article 21 – paragraph 10 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) common *rules to carry out* availability checks referred to in point (b) of paragraph 9;

(c) common *principles for carrying out the* availability checks referred to in point (b) of paragraph 9;

Or. fr

Amendment 1008

Edouard Martin, Pervenche Berès

Proposal for a regulation

Article 21 – paragraph 10 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

(d) common *rules to determine* when a non-availability payment is due;

(d) common *principles for determining* when a non-availability payment is due;

Or. fr

Amendment 1009

Edouard Martin, Pervenche Berès

Proposal for a regulation

Article 21 – paragraph 10 – subparagraph 1 – point f

Text proposed by the Commission

Amendment

(f) common *rules to identify* capacity

(f) common *principles for identifying*

eligible to participate as referred to in point (a) of paragraph 9.

capacity eligible to participate as referred to in point (a) of paragraph 9.

Or. fr

Amendment 1010

Edouard Martin, Pervenche Berès

Proposal for a regulation

Article 21 – paragraph 11

Text proposed by the Commission

11. The Agency shall verify whether the capacities have been calculated in line with the ***methodology as*** referred to in point (a) of paragraph 10.

Amendment

11. The Agency shall verify whether the capacities have been calculated in line with the ***principles*** referred to in point (a) of paragraph 10.

Or. fr

Amendment 1011

Flavio Zanonato

Proposal for a regulation

Article 23 – paragraph 1

Text proposed by the Commission

1. To address ***residual concerns that cannot be eliminated by*** the measures pursuant to Article 18(3), ***Member States may introduce capacity mechanisms, subject to the provisions of this Article and to the Union State aid rules.***

Amendment

1. ***Capacity mechanisms other than strategic reserve shall:***

(a) not create unnecessary market distortions and not limit cross-border trade;

(b) not go beyond what is necessary to address the adequacy concern in the Member States, and perform in compliance with the EU adequacy methodology developed by ENTSO-E;

(c) select capacity providers by means of a transparent, non-discriminatory and

market-based process;
(d) be technology neutral;
(e) be temporary and approved by the Commission for no longer than five years;
(f) apply capacity products which are issued for not longer than two years;
(g) provide incentives for capacity providers to be available in times of expected system stress;
(h) ensure that the remuneration is determined through a market-based process;
(i) set out the required technical conditions for the participation of capacity providers in advance of the selection process;
(j) be open to participation of all resources, including renewable energy, storage and demand side management that are capable of providing the required technical performance;
(k) apply appropriate penalties to capacity providers when not available in the event of system stress;
(l) not be open for generation capacity emitting 450 gr CO₂/kWh or more at the entry into force of this Regulation;
(m) be phased-out or at least phased down to a strategic reserve after a pre-defined period of time, based on the full implementation of the measures outlined in the roadmap pursuant to Article 18(3).

Or. en

Justification

(b) Member States shall carry out their own adequacy assessments and studies upon which they base their decisions on whether or not introduce capacity mechanisms in their system. Common rules and EYU methodologies for generation adequacy assessment are strongly needed. (l) The establishment of an emissions performance standard goes hand in hand with the set in place of realistically ambitious thresholds.

Amendment 1012

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

Proposal for a regulation
Article 23 – paragraph 1

Text proposed by the Commission

1. To address *residual concerns that cannot be eliminated* by the *measures pursuant to Article 18(3), Member States may introduce capacity mechanisms, subject to the provisions of this Article and to the Union State aid rules.*

Amendment

1. *Capacity mechanisms other than strategic reserves shall:*

(a) not create unnecessary market distortions and not limit cross-border trade

(b) not go beyond what is necessary to address the adequacy concern

(c) select capacity providers by means of a transparent, non-discriminatory and market-based process;

(d) be market based and technology neutral

(e) be temporary and approved by the Commission for no longer than five years

(f) apply capacity products which are issued for not longer than two years

(g) provide incentives for capacity providers to be available in times of expected system stress;

(h) ensure that the remuneration is determined through a market-based process;

(i) set out the required technical conditions for the participation of capacity providers in advance of the selection process;

(j) be open to participation of all resources, including renewable energy, storage and demand side management that are capable of providing the required technical performance;

(k) apply appropriate penalties to capacity providers when not available in the event of system stress.

(l) not be open for generation capacity emitting 550 grCO₂/kWh or more at the entry into force of this Regulation.

(m) be phased-out or at least phased down to a strategic reserve after a pre-defined

period of time, based on the full implementation of the measures outlined in the roadmap pursuant to Article 18 (3)

Or. en

Amendment 1013

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 23 – paragraph 1

Text proposed by the Commission

1. To address residual concerns that cannot be eliminated by the measures pursuant to Article 18(3), Member States may introduce capacity mechanisms, subject to the provisions of this Article and to the Union State aid rules.

Amendment

1. To address residual concerns that cannot be eliminated by the measures pursuant to Article 18(3), Member States may ***temporarily*** introduce capacity mechanisms ***as a last resort***. ***The Commission may adopt a decision allowing for the requested capacity mechanism to be granted***, subject to the provisions of this Article and to the Union State aid rules. ***The Commission shall inform all Member States of those applications before taking a decision, taking into account confidentiality. That decision shall be published in the Official Journal of the European Union. The Commission may include in its decision conditions to the implementation of the capacity mechanism. Remedies that build on the curtailment of renewable energy generation, forced disconnections of household customers or limited feed-in/dispatch of small-scale self-generators shall be excluded. The decision shall be limited in time and contain a detailed timeline with measures to phase out the capacity mechanism as well as the foreseen date of expiration of the capacity mechanism.***

Or. en

Justification

Capacity mechanisms can, if not well designed and temporary in nature, create important market distortions. They shall not be used as a life-line for conventional generation capacity and only be introduced as a last resort.

Amendment 1014

András Gyürk, György Hölvényi

Proposal for a regulation

Article 23 – paragraph 1

Text proposed by the Commission

1. ***To address residual concerns that cannot be eliminated by the measures pursuant to Article 18(3),*** Member States may introduce capacity mechanisms, subject to the provisions of this Article and to the Union State aid rules.

Amendment

1. Member States may introduce capacity mechanisms, subject to the provisions of this Article and to the Union State aid rules.

Or. en

Amendment 1015

Cristian-Silviu Buşoi

Proposal for a regulation

Article 23 – paragraph 1

Text proposed by the Commission

1. To address residual concerns that cannot be eliminated by the measures pursuant to Article 18(3), Member States may introduce capacity mechanisms, ***subject to the provisions of this Article and to the Union State aid rules.***

Amendment

1. To address residual concerns that cannot be eliminated by the measures pursuant to Article 18(3), Member States may introduce capacity mechanisms.

Or. en

Amendment 1016

Adam Gierek, Krystyna Łybacka

Proposal for a regulation

Article 23 – paragraph 1

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

Text proposed by the Commission

Amendment

1. To address residual concerns that cannot be eliminated by the measures pursuant to Article 18(3), Member States may introduce capacity mechanisms, ***subject to the provisions of this Article and to the Union State aid rules.***

1. To address residual concerns that cannot be eliminated by the measures pursuant to Article 18(3), Member States may introduce capacity mechanisms.

Or. pl

Justification

Energy supply is also a market mechanism.

Amendment 1017

Jerzy Buzek, Janusz Lewandowski, Marian-Jean Marinescu

Proposal for a regulation

Article 23 – paragraph 1

Text proposed by the Commission

Amendment

1. To address residual concerns that cannot be eliminated by the measures pursuant to Article 18(3), Member States may introduce capacity mechanisms, ***subject to the provisions of this Article and to the Union State aid rules.***

1. To address residual concerns that cannot be eliminated by the measures pursuant to Article 18(3), Member States may introduce capacity mechanisms.

Or. en

Justification

The definition of state aid should be applied in line with the dynamic market-based approach, reflecting the fact that capacity-based payments would not create economic advantage, because they are constituting a remuneration for contributing to the security of supply. In this respect, a capacity mechanism would not constitute a subsidy for generators and demand response resources, but a fair tool designed to share the responsibility for security of supply between capacity providers and the TSOs.

Amendment 1018

Cornelia Ernst

Proposal for a regulation
Article 23 – paragraph 1

Text proposed by the Commission

1. To address residual concerns that cannot be eliminated by the measures pursuant to Article 18(3), Member States ***may introduce capacity mechanisms, subject to the provisions of this Article and to the Union State aid rules.***

Amendment

1. To address residual concerns that cannot be eliminated by the measures pursuant to Article 18(3), Member States ***shall prepare a plan providing for appropriate measures to address these concerns, to be implemented within a maximum period of five years.***

Or. en

Amendment 1019
Dario Tamburrano, David Borrelli

Proposal for a regulation
Article 23 – paragraph 1

Text proposed by the Commission

1. To address residual concerns that cannot be eliminated by the measures pursuant to Article 18(3), Member States ***may introduce capacity mechanisms, subject to the provisions of this Article and to the Union State aid rules.***

Amendment

1. To address residual concerns that cannot be eliminated by the measures pursuant to Article 18(3), Member States ***shall prepare a plan providing for appropriate measures to address these concerns, to be implemented within a maximum period of five years.***

Or. en

Amendment 1020
Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation
Article 23 – paragraph 1

Text proposed by the Commission

1. To address residual concerns that cannot be eliminated by the measures pursuant to Article 18(3), Member States may introduce capacity mechanisms,

Amendment

1. To address residual concerns that cannot be eliminated ***economically*** by the measures pursuant to Article 18(3), Member States may introduce capacity

subject to the provisions of this Article and to *the* Union State aid rules.

mechanisms, subject to the provisions of this article and to Union State aid rules.

Or. en

Amendment 1021
Cornelia Ernst

Proposal for a regulation
Article 23 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

The plan under paragraph 1 shall aim at structurally and permanently addressing a resource adequacy concern via one or more of the following:

- a) additional renewable energy generation capacity*
- b) energy efficiency*
- c) demand side response*
- d) storage*
- e) interconnection*

Or. en

Amendment 1022
Evžen Tošenovský

Proposal for a regulation
Article 23 – paragraph 1 – point 1 (new)

Text proposed by the Commission

Amendment

(1) When designing capacity mechanisms, Member States shall include an exit clause, a provision allowing for efficient phase-out of a capacity mechanism in case the resource adequacy assessment proves that the adequacy concern is not present anymore.

Or. en

Amendment 1023

Cornelia Ernst

Proposal for a regulation

Article 23 – paragraph 1 – point 2 (new)

Text proposed by the Commission

Amendment

(2) Pending the implementation of the plan under paragraph 1, Member States may introduce capacity mechanisms, subject to the provisions of this Article and to the Union state aid rules.

Or. en

Amendment 1024

Cornelia Ernst

Proposal for a regulation

Article 23 – paragraph 1 – point 3 (new)

Text proposed by the Commission

Amendment

(3) When designing capacity mechanisms, Member States shall prioritise resources in accordance with the social, economic and environmental benefits they provide.

Or. en

Amendment 1025

Dario Tamburrano, David Borrelli

Proposal for a regulation

Article 23 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The plan under paragraph 1 shall aim at structurally and permanently addressing a resource adequacy concern, in particular by planning support for, and

investments in:

- a) additional renewable energy generation capacity;*
- b) Energy efficiency;*
- c) Demand side response;*
- d) Storage;*
- e) Interconnection.*

Or. en

Amendment 1026
Werner Langen

Proposal for a regulation
Article 23 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

-1 a. Capacity mechanisms may be introduced only where they are designed to be: market-based, transparent, technologically neutral and open.

Or. de

Justification

This regulation should set the design principles for capacity mechanisms in order to ensure a coordinated and European approach.

Amendment 1027
Dario Tamburrano, David Borrelli

Proposal for a regulation
Article 23 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Pending the implementation of the plan under paragraph 1, Member States may introduce capacity mechanisms, subject to the provisions of this Article and to the Union State aid rules.

Amendment 1028

Flavio Zanonato

Proposal for a regulation**Article 23 – paragraph 2***Text proposed by the Commission*

2. *Where a Member State wishes to implement a capacity mechanism, it shall consult on the proposed mechanism at least with its electrically connected neighbouring Member States.*

Amendment

2. *Capacity mechanisms in the form of strategic reserves with capacities held outside the market shall:*

- (a) be only dispatched in case day-ahead and intraday markets have failed to clear and transmission system operators have exhausted their balancing resources to establish an equilibrium between demand and supply;*
- (b) ensure that during periods where strategic reserves were dispatched, imbalances are settled at least at the technical price limit applied by the market operators pursuant to Article 9.*
- (c) be open also for generation capacity emitting 450 gr CO₂/kWh or more to allow for a fair transition;*
- (d) not allow capacity providers that go in the strategic reserve to return to the market.*

Or. en

Justification

The establishment of an emissions performance standard goes hand in hand with the set in place of realistically ambitious thresholds.

Amendment 1029

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

Proposal for a regulation**Article 23 – paragraph 2**

Text proposed by the Commission

2. ***Where a Member State wishes to implement a capacity mechanism, it shall consult on the proposed mechanism at least with its electrically connected neighbouring Member States.***

Amendment

2. ***Capacity mechanisms in the form of strategic reserves with capacities held outside the market shall:***

(a) be only dispatched in case day-ahead and intraday markets have failed to clear and transmission system operators have exhausted their balancing resources to establish an equilibrium between demand and supply;

(b) ensure that during periods where strategic reserves were dispatched, imbalances are settled at least at the technical price limit applied by the market operators pursuant to Article 9 .

(c) be open also for generation capacity emitting 550 gr CO₂/kWh or more to allow for a fair transition

(d) not allow capacity providers that go in the strategic reserve to return to the market

Or. en

Amendment 1030

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 23 – paragraph 2

Text proposed by the Commission

2. Where a Member State wishes to implement a capacity mechanism, it shall consult on the proposed mechanism at least with its electrically connected neighbouring Member States.

Amendment

2. Where a Member State wishes to implement a capacity mechanism, it shall consult on the proposed mechanism at least with its electrically connected neighbouring Member States, ***the Agency as well as with all relevant stakeholders, including with consumer organisations. Prior to submitting a proposal for a capacity mechanism to public consultation, the national regulatory***

authority shall assess the impact of the capacity mechanism on energy prices in particular to energy prices for household customers. The impact assessment shall be published.

Or. en

Amendment 1031
Gunnar Hökmark

Proposal for a regulation
Article 23 – paragraph 2

Text proposed by the Commission

2. Where a Member State wishes to implement a capacity mechanism, it shall consult on the proposed mechanism at least with its electrically connected neighbouring Member States.

Amendment

2. Where a Member State wishes to implement a capacity mechanism, it shall consult on the proposed mechanism at least with its electrically connected neighbouring Member States, *in particular with regards to increasing regional participation and cross-border trade on market-based terms.*

Or. en

Amendment 1032
Dario Tamburrano, David Borrelli

Proposal for a regulation
Article 23 – paragraph 2

Text proposed by the Commission

2. Where a Member State wishes to implement a capacity mechanism, it shall consult on the proposed mechanism at least with its electrically connected neighbouring Member States.

Amendment

2. Where a Member State wishes to implement a capacity mechanism, it shall consult on the proposed mechanism at least with *all interested parties, including consumer organisations, and* its electrically connected neighbouring Member States.

Or. en

Amendment 1033

Patrizia Toia

Proposal for a regulation

Article 23 – paragraph 2

Text proposed by the Commission

2. *Where* a Member State *wishes* to implement a capacity mechanism, *it shall consult* on the *proposed mechanism at least with its electrically connected neighbouring Member States*.

Amendment

2. *The decision of* a Member State to implement a capacity mechanism *shall be based* on the *adequacy assessment performed by the concerned Member State in compliance with the EU adequacy methodology developed by ENTSO-E*.

Or. en

Justification

Member States, being the ultimate subjects responsible for Security of Electricity Supply shall monitor resource adequacy within their territory and shall carry out their own adequacy assessments and studies upon which they base their decisions whether or not to introduce capacity mechanism in their System. Common rules and EU methodologies for generation adequacy assessment are needed.

Amendment 1034

Cornelia Ernst

Proposal for a regulation

Article 23 – paragraph 2

Text proposed by the Commission

2. Where a Member State wishes to implement a capacity mechanism, it shall consult on the proposed mechanism *at least* with its electrically connected neighbouring Member States.

Amendment

2. Where a Member State wishes to implement a capacity mechanism, it shall consult on the proposed mechanism *with all interested parties, including* with its electrically connected neighbouring Member States.

Or. en

Amendment 1035

Proposal for a regulation
Article 23 – paragraph 3

Text proposed by the Commission

Amendment

3. *Capacity mechanisms shall not create unnecessary market distortions and not limit cross-border trade. The amount of capacity committed in the mechanism shall not go beyond what is necessary to address the concern.*

deleted

Or. en

Amendment 1036
Kathleen Van Brempt

Proposal for a regulation
Article 23 – paragraph 3

Text proposed by the Commission

Amendment

3. Capacity mechanisms shall not create unnecessary market distortions *and* not limit cross-border trade. The amount of capacity committed in the mechanism shall not go beyond what is necessary to address the concern.

3. Capacity mechanisms shall not create unnecessary market distortions, ***further distortions that would increase the costs of the decarbonisation, hinder the objectives set in the Renewable Energy Directive, not limit cross-border trade and shall be non-discriminatory and open to all generation technologies, interconnection capacities, demand-side response resources, storage and energy efficiency.*** The amount of capacity committed in the mechanism shall not go beyond what is necessary to address the concern. ***Capacity mechanisms shall be designed in the least intrusive way possible, the costs shall be fairly distributed and shall not create unnecessary burden especially to consumers in fuel poverty. Generation capacity providers shall be selected on the basis of transparent criteria, including flexibility criteria and***

least costs to society.

Or. en

Amendment 1037

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 23 – paragraph 3

Text proposed by the Commission

3. Capacity mechanisms shall not create unnecessary market distortions and not limit cross-border trade. The amount of capacity committed in the mechanism shall not go beyond what is necessary to address the concern.

Amendment

3. Capacity mechanisms shall not create unnecessary market distortions and not limit cross-border trade. The amount of capacity committed in the mechanism shall not go beyond what is necessary to address the concern. ***Where the European adequacy assessment has not identified a resource adequacy concern, Member State shall apply capacity mechanisms. Capacity mechanisms shall be applied for a maximum period of four years. Every four years, Member States shall assess their capacity mechanism and in particular:***
(a) the level of support received by capacity providers
(b) the amount of capacity committed in the mechanism
(c) the design criteria of the mechanism, including the sustainability criterion.

Or. en

Justification

Capacity mechanisms can, if not well designed and temporary in nature, create important market distortions. They shall not be used as a life-line for conventional generation capacity.

Amendment 1038

Cornelia Ernst

Proposal for a regulation

Article 23 – paragraph 3

Text proposed by the Commission

3. Capacity mechanisms shall not create unnecessary market distortions and not limit cross-border trade. The amount of capacity committed in the mechanism shall not go beyond what is necessary to address the concern.

Amendment

3. Capacity mechanisms shall ***be open to all generation technologies, storage and demand response, including operators located in other Member States unless technically not feasible.*** They shall not create unnecessary market distortions and not limit cross-border trade. The amount of capacity committed in the mechanism shall not go beyond what is necessary to address the concern.

Or. en

Amendment 1039 Gunnar Hökmark

Proposal for a regulation Article 23 – paragraph 3

Text proposed by the Commission

3. Capacity mechanisms shall not create ***unnecessary*** market distortions and not limit cross-border trade. The amount of capacity committed in the mechanism shall not go beyond what is necessary to address the concern.

Amendment

3. Capacity mechanisms shall ***be market-based and*** not create ***any unjustified*** market distortions and not limit cross-border trade. The amount of capacity committed in the mechanism shall not go beyond what is ***strictly*** necessary to address the concern.

Or. en

Amendment 1040 Evžen Tošenovský

Proposal for a regulation Article 23 – paragraph 3

Text proposed by the Commission

3. Capacity mechanisms shall not create unnecessary market distortions and not limit cross-border trade. The amount of

Amendment

3. Capacity mechanisms shall ***be designed in a way which does*** not create unnecessary market distortions and not

capacity committed in the mechanism shall not go beyond what is necessary to address the concern.

limit cross-border trade. The amount of capacity committed in the mechanism shall not go beyond what is necessary to address the concern.

Or. en

Amendment 1041
Jaromír Kohlíček

Proposal for a regulation
Article 23 – paragraph 3

Text proposed by the Commission

3. Capacity mechanisms shall not create unnecessary market distortions and **not** limit cross-border trade. The amount of capacity committed in the mechanism shall not go beyond what is necessary to address the concern.

Amendment

3. Capacity mechanisms shall **be designed in a way which does** not create unnecessary market distortions and limit cross-border trade. The amount of capacity committed in the mechanism shall not go beyond what is necessary to address the concern.

Or. en

Justification

We support design principles for capacity mechanisms (CRM) to include also obligation to have clear rules and procedures for CRM phase-out as soon as reasons for their introduction perish. It is also necessary to set clear deadline for harmonization of existing CRM with this Proposal to avoid any misunderstandings between existing and new CRMs. New wording specifies design requirements for CRM to limit their impact on the market.

Amendment 1042
Kateřina Konečná, Evžen Tošenovský

Proposal for a regulation
Article 23 – paragraph 3

Text proposed by the Commission

3. Capacity mechanisms shall not create unnecessary market distortions and **not** limit cross-border trade. The amount of capacity committed in the mechanism shall not go beyond what is necessary to address

Amendment

3. Capacity mechanisms shall **be designed in a way which does** not create unnecessary market distortions and limit cross-border trade. The amount of capacity committed in the mechanism shall not go

the concern.

beyond what is necessary to address the concern.

Or. en

Amendment 1043

Pavel Telička

Proposal for a regulation

Article 23 – paragraph 3

Text proposed by the Commission

3. Capacity mechanisms shall not create **unnecessary** market distortions and not limit cross-border trade. The amount of capacity committed in the mechanism shall not go beyond what is necessary to address the concern.

Amendment

3. Capacity mechanisms shall **be designed in a way which does** not create market distortions and not limit cross-border trade. The amount of capacity committed in the mechanism shall not go beyond what is necessary to address the concern.

Or. en

Justification

Design of CMs should also include an obligation to have clear rules and procedures for CMs phase-out as soon as reasons for their introduction perish. It is also necessary to set clear deadline for harmonisation of existing CMs with proposed Regulation.

Amendment 1044

Paul Rübiger

Proposal for a regulation

Article 23 – paragraph 3

Text proposed by the Commission

3. Capacity mechanisms shall not create **unnecessary** market distortions and not limit cross-border trade. The amount of capacity committed in the mechanism shall not go beyond what is necessary to address the concern.

Amendment

3. Capacity mechanisms shall not create **undue** market distortions and not limit cross-border trade. The amount of capacity committed in the mechanism shall not go beyond what is necessary to address the concern.

Or. en

Amendment 1045
Esther de Lange

Proposal for a regulation
Article 23 – paragraph 3

Text proposed by the Commission

3. Capacity mechanisms shall not create *unnecessary* market distortions and not limit cross-border trade. The amount of capacity committed in the mechanism shall not go beyond what is necessary to address the concern.

Amendment

3. Capacity mechanisms shall not create market distortions and not limit cross-border trade. The amount of capacity committed in the mechanism shall not go beyond what is necessary to address the concern.

Or. en

Amendment 1046
Claude Turmes
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 23 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Decentralised resources and demand response must have non-discriminatory access to capacity mechanisms and their structural advantages shall be reflected in any mechanism;

Or. en

Justification

It is paramount that capacity mechanism are open to all market participants, including across borders, and that they include flexibility criteria to effectively being able to provide capacity at short notice and with flexible volumes.

Amendment 1047
Claude Turmes
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 23 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. When certifying capacities, the specific characteristics of demand-side flexibility and energy storage shall be taken into account, including in product definitions and prequalification requirements.

Or. en

Amendment 1048
Sven Schulze, Hermann Winkler, Christian Ehler

Proposal for a regulation
Article 23 – paragraph 4

Text proposed by the Commission

Amendment

4. Generation capacity for which a final investment decision has been made after [OP: entry into force] shall only be eligible to participate in a capacity mechanism if its emissions are below 550 gr CO₂/kWh. Generation capacity emitting 550 gr CO₂/kWh or more shall not be committed in capacity mechanisms 5 years after the entry into force of this Regulation. **deleted**

Or. de

Justification

Indigenous energy resources reduce export dependency.

Amendment 1049
Angelika Niebler, Sven Schulze

Proposal for a regulation
Article 23 – paragraph 4

Text proposed by the Commission

Amendment

4. Generation capacity for which a final investment decision has been made after [OP: entry into force] shall only be eligible to participate in a capacity mechanism if its emissions are below 550 gr CO₂/kWh. Generation capacity emitting 550 gr CO₂/kWh or more shall not be committed in capacity mechanisms 5 years after the entry into force of this Regulation. *deleted*

Or. de

Justification

Capacity mechanisms guarantee security of supply. It is therefore not at all clear why a climate-policy criterion is being introduced in this connection. Setting a CO₂ limit of this nature will create huge additional costs. The European emissions trading scheme regulates the reduction of greenhouse gas emissions.

Amendment 1050
Janusz Korwin-Mikke

Proposal for a regulation
Article 23 – paragraph 4

Text proposed by the Commission

Amendment

4. Generation capacity for which a final investment decision has been made after [OP: entry into force] shall only be eligible to participate in a capacity mechanism if its emissions are below 550 gr CO₂/kWh. Generation capacity emitting 550 gr CO₂/kWh or more shall not be committed in capacity mechanisms 5 years after the entry into force of this Regulation. *deleted*

Or. pl

Amendment 1051
Adam Gierek, Krystyna Łybacka

Proposal for a regulation

Article 23 – paragraph 4

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

Text proposed by the Commission

Amendment

4. Generation capacity for which a final investment decision has been made after [OP: entry into force] shall only be eligible to participate in a capacity mechanism if its emissions are below 550 gr CO₂/kWh. Generation capacity emitting 550 gr CO₂/kWh or more shall not be committed in capacity mechanisms 5 years after the entry into force of this Regulation. **deleted**

Or. pl

Justification

ENP 550 weakens the EU ETS price signal, which is the main instrument of decarbonisation policy, and introduces rules which are not technologically neutral. ENP 550 introduces a preference for gas units, which will weaken EU energy independence.

Amendment 1052

Janusz Lewandowski, Jerzy Buzek

Proposal for a regulation

Article 23 – paragraph 4

Text proposed by the Commission

Amendment

4. Generation capacity for which a final investment decision has been made after [OP: entry into force] shall only be eligible to participate in a capacity mechanism if its emissions are below 550 gr CO₂/kWh. Generation capacity emitting 550 gr CO₂/kWh or more shall not be committed in capacity mechanisms 5 years after the entry into force of this Regulation. **deleted**

Or. en

Amendment 1053

András Gyürk, György Hölvényi

Proposal for a regulation

Article 23 – paragraph 4

Text proposed by the Commission

Amendment

4. Generation capacity for which a final investment decision has been made after [OP: entry into force] shall only be eligible to participate in a capacity mechanism if its emissions are below 550 gr CO₂/kWh. Generation capacity emitting 550 gr CO₂/kWh or more shall not be committed in capacity mechanisms 5 years after the entry into force of this Regulation.

deleted

Or. en

Amendment 1054

Kateřina Konečná, Evžen Tošenovský

Proposal for a regulation

Article 23 – paragraph 4

Text proposed by the Commission

Amendment

4. Generation capacity for which a final investment decision has been made after [OP: entry into force] shall only be eligible to participate in a capacity mechanism if its emissions are below 550 gr CO₂/kWh. Generation capacity emitting 550 gr CO₂/kWh or more shall not be committed in capacity mechanisms 5 years after the entry into force of this Regulation.

deleted

Or. en

Amendment 1055

Cristian-Silviu Buşoi

Proposal for a regulation
Article 23 – paragraph 4

Text proposed by the Commission

Amendment

4. Generation capacity for which a final investment decision has been made after [OP: entry into force] shall only be eligible to participate in a capacity mechanism if its emissions are below 550 gr CO₂/kWh. Generation capacity emitting 550 gr CO₂/kWh or more shall not be committed in capacity mechanisms 5 years after the entry into force of this Regulation.

deleted

Or. en

Amendment 1056
Pavel Telička

Proposal for a regulation
Article 23 – paragraph 4

Text proposed by the Commission

Amendment

4. Generation capacity for which a final investment decision has been made after [OP: entry into force] shall only be eligible to participate in a capacity mechanism if its emissions are below 550 gr CO₂/kWh. Generation capacity emitting 550 gr CO₂/kWh or more shall not be committed in capacity mechanisms 5 years after the entry into force of this Regulation.

deleted

Or. en

Justification

Introduction of CMs aims at tackling issue of generation adequacy, and should be based on technology-neutral approach. Clear rules for effective phase-out of CMs should be set as well.

Amendment 1057

Jaromír Kohlíček

Proposal for a regulation

Article 23 – paragraph 4

Text proposed by the Commission

Amendment

4. Generation capacity for which a final investment decision has been made after [OP: entry into force] shall only be eligible to participate in a capacity mechanism if its emissions are below 550 gr CO₂/kWh. Generation capacity emitting 550 gr CO₂/kWh or more shall not be committed in capacity mechanisms 5 years after the entry into force of this Regulation. **deleted**

Or. en

Justification

We are not in favour of introduction of this para 4 of this article. We respect existing EEAG and highlight principle of free choice for domestic energy mix. In our opinion, introduction of CRMs aims at tackling issue of generation adequacy, including necessary technical / qualitative characteristics of supported source. In our opinion is the current proposal in conflict with EEAG and DG COMP report on capacity mechanisms. We therefore propose to remove the whole para 4. It is also in the recital 30 of the Commission's proposal that „Main principles of capacity mechanisms should be laid down, building on the environmental and energy State aid principles and the findings of DG competitions Sector Inquiry on capacity mechanisms.“ To ensure temporary status of Capacity mechanisms we propose to include new para (6) specifying provision for CRMs phase-out.

Amendment 1058

Gunnar Hökmark

Proposal for a regulation

Article 23 – paragraph 4

Text proposed by the Commission

Amendment

4. Generation capacity for which a final investment decision has been made after [OP: entry into force] shall only be eligible to participate in a capacity **deleted**

mechanism if its emissions are below 550 gr CO2/kWh. Generation capacity emitting 550 gr CO2/kWh or more shall not be committed in capacity mechanisms 5 years after the entry into force of this Regulation.

Or. en

Amendment 1059
Markus Pieper

Proposal for a regulation
Article 23 – paragraph 4

Text proposed by the Commission

Amendment

4. *Generation capacity for which a final investment decision has been made after [OP: entry into force] shall only be eligible to participate in a capacity mechanism if its emissions are below 550 gr CO2/kWh. Generation capacity emitting 550 gr CO2/kWh or more shall not be committed in capacity mechanisms 5 years after the entry into force of this Regulation.* **deleted**

Or. en

Justification

The design of capacity mechanisms should be technologically neutral and not discriminate against specific conventional power plants. From an economic point of view, this would be inefficient. Furthermore, capacity mechanisms have the purpose of security of supply. Involving criteria of climate protection in the design of capacity mechanisms is an unnecessary mixture of two different topics, since the reduction of CO2 emissions is already dealt with in the European Emissions Trading System (ETS).

Amendment 1060
Marian-Jean Marinescu

Proposal for a regulation
Article 23 – paragraph 4

Text proposed by the Commission

Amendment

4. Generation capacity for which a final investment decision has been made after [OP: entry into force] shall only be eligible to participate in a capacity mechanism if its emissions are below 550 gr CO₂/kWh. Generation capacity emitting 550 gr CO₂/kWh or more shall not be committed in capacity mechanisms 5 years after the entry into force of this Regulation. *deleted*

Or. en

Amendment 1061

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

Proposal for a regulation Article 23 – paragraph 4

Text proposed by the Commission

Amendment

4. Generation capacity for which a final investment decision has been made after [OP: entry into force] shall only be eligible to participate in a capacity mechanism if its emissions are below 550 gr CO₂/kWh. Generation capacity emitting 550 gr CO₂/kWh or more shall not be committed in capacity mechanisms 5 years after the entry into force of this Regulation. *deleted*

Or. en

Amendment 1062

Zdzisław Krasnodębski, Edward Czesak, Nikolay Barekov

Proposal for a regulation Article 23 – paragraph 4

Text proposed by the Commission

Amendment

4. Generation capacity for which a final investment decision has been made after [OP: entry into force] shall only be eligible to participate in a capacity mechanism if its emissions are below 550 gr CO₂/kWh. Generation capacity emitting 550 gr CO₂/kWh or more shall not be committed in capacity mechanisms 5 years after the entry into force of this Regulation. *deleted*

Or. en

Justification

The EU ETS system is the key tool to achieve greenhouse gas emissions reduction in the framework of climate policy. The introduction of the emission performance standard (EPS) to the Electricity Regulation is unjustified as it is based on the Art. 194 of TFEU referring only to energy policy. In particular, the discriminatory EPS is contrary to the Art. 194 (2), which confers to Member States the right to determine their energy mix. As it stands, the EPS would exclude a large share of conventional energy sources from any capacity market.

Amendment 1063
Rolandas Paksas

Proposal for a regulation
Article 23 – paragraph 4

Text proposed by the Commission

Amendment

4. Generation capacity for which a final investment decision has been made after [OP: entry into force] shall only be eligible to participate in a capacity mechanism if its emissions are below 550 gr CO₂/kWh. Generation capacity emitting 550 gr CO₂/kWh or more shall not be committed in capacity mechanisms 5 years after the entry into force of this Regulation. *deleted*

Or. en

Amendment 1064
Jaromír Kohlíček

Proposal for a regulation
Article 23 – paragraph 4

Text proposed by the Commission

4. Generation capacity for which a final investment decision has been made after [OP: entry into force] shall only be eligible to participate in a capacity mechanism if its emissions are below 550 gr CO₂/kWh. Generation capacity emitting **550 gr CO₂/kWh** or more shall not be committed in capacity mechanisms 5 years after the entry into force of this Regulation.

Amendment

4. Generation capacity for which a final investment decision has been made after [OP: entry into force] shall only be eligible to participate in a capacity mechanism if its emissions are below 550 gr CO₂/kWh.
Existing generation capacity emitting **650 gr CO₂/kWh** or more shall not be committed in capacity mechanisms 5 years after ***entry into force of this Regulation.***
Existing generation capacity emitting **600 gr CO₂/kWh or more shall not be committed in capacity mechanisms 10 years after** the entry into force of this Regulation.
Existing generation capacity emitting **550 gr CO₂/kWh or more shall not be committed in capacity mechanisms 15 years after the entry into force of this Regulation.**
Installations burning waste gases, including blast furnace gases, shall not be subject to the CO₂ emission limit, taking into account the efficient energy recovery of waste gases and its environmental benefit, and the fact that the high CO₂ content of the waste gases is transferred from the industrial process, for example steel making process ("inherent CO₂" according to the Monitoring and Reporting Regulation).
The CO₂ emission factor of an electricity generation installation shall be based on the net efficiency at nominal capacity under ISO conditions.

Or. en

Amendment 1065
Kathleen Van Brempt

Proposal for a regulation
Article 23 – paragraph 4

Text proposed by the Commission

4. Generation capacity for which a final investment decision has been made after [OP: entry into force] shall only be eligible to participate in a capacity mechanism if its emissions are below 550 gr CO₂/kWh. Generation capacity emitting 550 gr CO₂/kWh or more shall not be committed in capacity mechanisms 5 years after the entry into force of this Regulation.

Amendment

4. Generation capacity for which a final investment decision has been made after [OP: entry into force] shall only be eligible to participate in a capacity mechanism if its emissions are below 550 gr CO₂/kWh **for installations with a nominal capacity smaller than 200 MW and below 450 gr CO₂/kWh for installations with larger capacity.** Generation capacity emitting 550 gr CO₂/kWh or more shall not be committed in capacity mechanisms 5 years after the entry into force of this Regulation. **The calculation of the CO₂/kWh in the first subparagraph shall be based on the net efficiency at nominal capacity under ISO conditions.**

Or. en

Justification

Larger units can make use of more efficient technologies (such as CCGT) capable to keep the CO₂/kWh emissions below 450 gr/kWh. If capacity mechanisms might support such large units, we must be sure that the most energy efficient technologies are used. For smaller units such as open gas turbines that are often more flexible and closer located to the needs created by decentralized intermittent renewable generation, more stringent CO₂/kWh limits are more difficult to reach. The reference to ISO conditions and nameplate capacity) is to clarify the method of calculating the CO₂/kWh in an unambiguous way.

Amendment 1066
Dario Tamburrano, David Borrelli

Proposal for a regulation
Article 23 – paragraph 4

Text proposed by the Commission

4. Generation capacity **for which a final investment decision has been made after [OP: entry into force] shall only be eligible to participate in a capacity mechanism if its emissions are below 550**

Amendment

4. Generation capacity **shall only be eligible to participate in a capacity mechanism if:**
(a) its total greenhouse gas emissions per kilowatt hour of electricity produced in

gr CO₂/kWh. Generation capacity emitting 550 gr CO₂/kWh or more shall not be committed in capacity mechanisms 5 years after the entry into force of this Regulation.

the installation do not exceed 350gof CO₂ equivalent from [OP: date of entry into force of this Regulation]; and (b) it is capable of ramping up and down on-load at least at the level 5% of their capacity per minute. Capacity providers must comply with EU Environmental Quality Standards and Best Available Techniques (BATs) to participate in capacity mechanisms.

Or. en

Justification

The proposed sustainability criteria will directly puts the EU climate commitments in jeopardy by leaving the option open to subsidise some relatively high efficient coal (and potentially lignite) electricity production with heat recovery (i.e. combined heat and power) and/or biomass co-firing plants. It is crucial to tighten the level to 350 gCO₂/kWh and make sure that this level decreases over time. Capacity remuneration should only be warranted where it contributes towards system stability, and flexibility is a key way to ensure this.

Amendment 1067

Pilar del Castillo Vera, Pilar Ayuso, Francesc Gambús

Proposal for a regulation

Article 23 – paragraph 4

Text proposed by the Commission

4. Generation capacity for which a final investment decision has been made after [OP: entry into force] shall only be eligible to participate in a capacity mechanism if its emissions are below 550 gr CO₂/kWh. Generation capacity emitting 550 gr CO₂/kWh or more shall not be committed in capacity mechanisms 5 years after the entry into force of this Regulation.

Amendment

4. Member States applying capacity mechanisms may limit cross-border participation of generation capacity emitting 550 gr CO₂/kWh or more.

Or. en

Amendment 1068

Cornelia Ernst

Proposal for a regulation
Article 23 – paragraph 4

Text proposed by the Commission

4. Generation capacity ***for which a final investment decision has been made after [OP: entry into force]*** shall only be eligible to participate in a capacity mechanism if its emissions are below ***550 gr CO₂/kWh. Generation capacity emitting 550 gr CO₂/kWh or more shall not be committed in capacity mechanisms 5 years after the entry into force of this Regulation.***

Amendment

4. Generation capacity shall only be eligible to participate in a capacity mechanism if its emissions are below ***350 gr CO₂/kWh. Participating power plants shall be required to comply with European air quality standards including the best available technique reference documents in the Directive 2010/75/EU on industrial emissions. Nuclear generation shall only be eligible if all costs for waste handling, decommissioning and liability are entirely covered by the operator.***

Or. en

Amendment 1069
Werner Langen

Proposal for a regulation
Article 23 – paragraph 4

Text proposed by the Commission

4. Generation capacity for which a final investment decision has been made after [OP: entry into force] shall only be eligible to participate in a capacity mechanism if its emissions are below 550 gr CO₂/kWh. ***Generation capacity emitting 550 gr CO₂/kWh or more shall not be committed in capacity mechanisms 5 years after the entry into force of this Regulation.***

Amendment

4. Generation capacity for which a final investment decision has been made after [OP: entry into force] shall only be eligible to participate in a capacity mechanism if its emissions are below 550 gr CO₂/kWh.

Or. de

Justification

Most of the disadvantages posed by the limit value could be averted by applying the 550 gr threshold only to new plants. Past investment would not be devalued and capacity markets

would remain manageable, since all existing plants in the market would be available to the capacity market.

Amendment 1070
Paul Rübzig

Proposal for a regulation
Article 23 – paragraph 4

Text proposed by the Commission

4. Generation capacity for which a final investment decision has been made after [OP: entry into force] shall only be eligible to participate in a capacity mechanism if its emissions are below 550 gr CO₂/kWh. Generation capacity emitting 550 gr CO₂/kWh or more shall not be committed in capacity mechanisms 5 years after the entry into force of this Regulation.

Amendment

4. Generation capacity for which a final investment decision has been made after [OP: entry into force] shall only be eligible to participate in a capacity mechanism if its emissions are below 550 gr CO₂/kWh. ***If combined heat and power is used, both, the heat and power output have to be considered in the calculation of the specific emissions.*** Generation capacity emitting 550 gr CO₂/kWh or more shall not be committed in capacity mechanisms 5 years after the entry into force of this Regulation.

Or. en

Amendment 1071
Patrizia Toia

Proposal for a regulation
Article 23 – paragraph 4

Text proposed by the Commission

4. Generation capacity for which a final investment decision has been made after [OP: entry into force] shall only be eligible to participate in a capacity mechanism if its emissions are below 550 gr CO₂/kWh. Generation capacity emitting 550 gr CO₂/kWh or more shall not be committed in capacity mechanisms 5 years after the entry into force of this Regulation.

Amendment

4. Generation capacity for which a final investment decision has been made after [OP: entry into force] shall only be eligible to participate in a capacity mechanism if its emissions are below 550 gr CO₂/kWh. ***In addition, priority is given to renewable generation capacity coupled with energy storage.*** Generation capacity emitting 550 gr CO₂/kWh or more shall not be committed in capacity mechanisms 5 years after the entry into force of this

Justification

To support decarbonisation of the sector, priority should be given to dispatchable renewable generation. This will provide an incentive to invest in dispatchable renewable generation and drive major modernisation in the generation fleet

Amendment 1072

Esther de Lange

Proposal for a regulation

Article 23 – paragraph 4

Text proposed by the Commission

4. Generation capacity for which a final investment decision has been made after [OP: entry into force] shall only be eligible to participate in a capacity mechanism if its emissions are below 550 gr CO₂/kWh. Generation capacity emitting 550 gr CO₂/kWh or more shall not be committed in capacity mechanisms 5 years after the entry into force of this Regulation.

Amendment

4. Generation capacity for which a final investment decision has been made after [OP: entry into force] shall only be eligible to participate in a capacity mechanism if its emissions are below 550 gr CO₂/kWh. ***In addition, priority should be given to cost-efficient renewable generation capacity coupled with energy storage.*** Generation capacity emitting 550 gr CO₂/kWh or more shall not be committed in capacity mechanisms 5 years after the entry into force of this Regulation.

Amendment 1073

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation

Article 23 – paragraph 4

Text proposed by the Commission

4. Generation capacity for which a final investment decision has been made after [OP: entry into force] shall only be eligible to participate in a capacity mechanism if its emissions are below 550

Amendment

4. Generation capacity for which a final investment decision has been made after [OP: entry into force] shall only be eligible to participate in a capacity mechanism if its emissions are below 550

gr CO₂/kWh. Generation capacity emitting 550 gr CO₂/kWh or more shall not be committed in capacity mechanisms 5 years after the entry into force of this Regulation.

gr CO₂/kWh. ***If CHP is used, both, power and heat output have to be considered in the calculation of the specific emissions.*** Generation capacity emitting 550 gr CO₂/kWh or more shall not be committed in capacity mechanisms 5 years after the entry into force of this Regulation.

Or. en

Amendment 1074

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 23 – paragraph 4

Text proposed by the Commission

4. Generation capacity ***for which a final investment decision has been made after [OP: entry into force]*** shall only be eligible to participate in a capacity mechanism if its emissions are below ***550 gr CO₂/kWh. Generation capacity emitting 550 gr CO₂/kWh or more shall not be committed in capacity mechanisms 5 years after the entry into force of this Regulation.***

Amendment

4. Generation capacity shall only be eligible to participate in a capacity mechanism if its emissions are below ***350 gr CO₂/kWh and if it is capable of ramping up and down on-load at least at the level of 5% of their capacity per minute.***

Or. en

Justification

Capacity mechanisms shall include flexibility criteria to effectively being able to provide capacity at short notice and with flexible volumes.

Amendment 1075

Massimiliano Salini

Proposal for a regulation

Article 23 – paragraph 4

Text proposed by the Commission

4. Generation capacity for which a

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Amendment

4. Generation capacity for which a

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final investment decision has been made after [OP: entry into force] shall only be eligible to participate in a capacity mechanism if its emissions are below 550 gr CO₂/kWh. **Generation capacity emitting 550 gr CO₂/kWh or more shall not be committed in capacity mechanisms 5 years after the entry into force of this Regulation.**

final investment decision has been made after [OP: entry into force] shall only be eligible to participate in a capacity mechanism if its emissions are below 550 gr CO₂/kWh **when calculated with reference to the nameplate basis.**

Or. en

Amendment 1076
Carolina Punset

Proposal for a regulation
Article 23 – paragraph 4

Text proposed by the Commission

4. Generation capacity for which a final investment decision has been made after [OP: entry into force] shall only be eligible to participate in a capacity mechanism if its emissions are below 550 gr CO₂/kWh. Generation capacity emitting 550 gr CO₂/kWh or more shall not be committed **in capacity** mechanisms 5 years after the entry into force of this Regulation.

Amendment

4. Generation capacity for which a final investment decision has been made after [OP: entry into force] shall only be eligible to participate in a capacity mechanism if its emissions are below 550 gr CO₂/kWh. Generation capacity emitting 550 gr CO₂/kWh or more shall not be committed **incapacity** mechanisms 2 years after the entry into force of this Regulation, **or 5 years for those plants that are part of strategic reserves.**

Or. en

Justification

Phasing out most polluting plants is essential to achieve European emissions target, so the introduction of the Emission Performance Standard for existing generation capacity should be brought forward, with a 5 years long exception for plants that are part of strategic reserves, as it is a much less distortive mechanism.

Amendment 1077
Luděk Niedermayer

Proposal for a regulation

Article 23 – paragraph 4

Text proposed by the Commission

4. Generation capacity for which a final investment decision has been made after [OP: entry into force] shall only be eligible to participate in a capacity mechanism if its emissions are below 550 gr CO₂/kWh. Generation capacity emitting 550 gr CO₂/kWh or more shall not be committed in capacity mechanisms 5 years after the entry into force of this Regulation.

Amendment

4. Generation capacity for which a final investment decision has been made after [OP: entry into force] shall only be eligible to participate in a capacity mechanism ***other than strategic reserve*** if its emissions are below 550 gr CO₂/kWh. Generation capacity emitting 550 gr CO₂/kWh or more shall not be committed in capacity mechanisms ***other than strategic reserves*** 5 years after the entry into force of this Regulation.

Or. en

Amendment 1078 **Henna Virkkunen**

Proposal for a regulation **Article 23 – paragraph 4**

Text proposed by the Commission

4. Generation capacity for which a final investment decision has been made after [OP: entry into force] shall only be eligible to participate in a capacity mechanism if its emissions are below 550 gr CO₂/kWh. Generation capacity emitting 550 gr CO₂/kWh or more shall not be committed in capacity mechanisms 5 years after the entry into force of this Regulation.

Amendment

4. Generation capacity for which a final investment decision has been made after [OP: entry into force] shall only be eligible to participate in a capacity mechanism ***other than strategic reserves*** if its emissions are below 550 gr CO₂/kWh. Generation capacity emitting 550 gr CO₂/kWh or more shall not be committed in capacity mechanisms 5 years after the entry into force of this Regulation.

Or. en

Justification

Strategic reserves are out of the market and operate in only in exceptional circumstances. The activation of these reserves is a rare situation and the emissions that it will cause are insignificant. Strategic reserves are used for ensuring that the day-ahead market can clear.

Amendment 1079

Françoise Grossetête

Proposal for a regulation
Article 23 – paragraph 4

Text proposed by the Commission

4. Generation capacity for which a final investment decision has been made after [OP: entry into force] shall only be eligible to participate in a capacity mechanism if its emissions are below **550** gr CO₂/kWh. Generation capacity emitting **550** gr CO₂/kWh or more shall not be committed in capacity mechanisms **5** years after the entry into force of this Regulation.

Amendment

4. Generation capacity for which a final investment decision has been made after [OP: entry into force] shall only be eligible to participate in a capacity mechanism if its emissions are below **600** gr CO₂/kWh. Generation capacity emitting **600** gr CO₂/kWh or more shall not be committed in capacity mechanisms **10** years after the entry into force of this Regulation.

Or. en

Amendment 1080
Jerzy Buzek

Proposal for a regulation
Article 23 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. By derogation from the previous paragraph, in Member States where in [2015], more than [20%] of electricity was produced from solid fossil fuels, and the GDP per capita at market price did not exceed 60% of the average GDP per capita at market price of the European Union^{1a}, existing generation capacity and new generation capacity for which a final investment decision has been made no later than [one year] after [OP:entry into force] shall be eligible to participate in capacity mechanisms if its emissions are above 550 gr CO₂/kWh, provided that security of supply is at risk according to the assessment of the national competent authority.

In Member States concerned, generation capacity emitting 550 gr CO₂/kWh or

more shall not be committed in capacity mechanisms [15 years] after entry into force of this Regulation.

After five years from [15 years from the entry into force of this Regulation], Member States concerned may commit in capacity mechanisms generation capacity emitting 550 gr CO₂/kWh or more provided that the security of supply risk persists according to the assessment of the national competent authority.

^{1a} The following Member States should meet these criteria: Bulgaria, Czech Republic, Estonia, Greece, Hungary, Poland, Portugal, Romania.

Or. en

Justification

The new emissions performance standard at the level of below 550 gr CO₂/kWh (EPS 550) does not reflect different energy mix situation within the EU and therefore should be amended to ensure security of supply in all Member States. Capacity mechanisms in specific MS are necessary to incentivize investment in new capacity and keep existing conventional assets operational.

Amendment 1081

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 23 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Where a Member State wishes to implement a capacity mechanism, it shall organize a competitive bidding process for capacity providers. This competitive bidding process shall include set of clear and transparent environmental criteria in order to prioritise the most sustainable and energy efficient capacity sources including demand side response. The competitive bidding process criteria must

also include flexibility criteria. Eligible capacities should be capable of ramping up and down on-load at least at the level 5% of their capacity per minute. Capacity providers must comply with EU Environmental Quality Standards and performance shall not exceed the stricter emission levels associated with BAT and higher range of BAT-associated energy efficiency levels of all relevant BAT Conclusions set for new plants to participate in capacity mechanisms in order to be eligible to bid.

Or. en

Justification

Capacity mechanisms can, if not well designed and temporary in nature, create important market distortions. They shall not be used as a life line for conventional generation capacity. It is paramount that such mechanism are open to all market participants, including across borders, and that they include flexibility criteria to effectively being able to provide capacity at short notice and with flexible volumes.

Amendment 1082 Carolina Punset

Proposal for a regulation Article 23 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Capacity mechanisms, if deemed necessary on the basis of an impact assessment, shall include flexibility criteria in the selection process of generation capacity providers. Such criteria shall aim at maximising the ramping ability, and minimising the necessary level of stable output of power plants benefitting from capacity mechanisms.

Or. en

Justification

Including flexibility criteria in the selection process of capacity providers will ensure that aid is primarily granted to the most efficient back-up capacity. Criteria related to maximising ramping ability of available capacity, and reducing the level of lower bound of adjustability of capacity providers will contribute to addressing the issue of overcapacity of inflexible energy sources.

Amendment 1083 **Massimiliano Salini**

Proposal for a regulation **Article 23 – paragraph 4 a (new)**

Text proposed by the Commission

Amendment

4a. Generation capacity emitting 550 gr CO₂/kWh for which a final investment decision has been made before (OP-entry into force) shall not be retroactively affected.

Or. en

Amendment 1084 **Claude Turmes** on behalf of the Verts/ALE Group

Proposal for a regulation **Article 23 – paragraph 4 b (new)**

Text proposed by the Commission

Amendment

4b. Capacity mechanisms shall reward the contribution of all resources in the same manner, including demand-side flexibility and aggregated resources. They shall establish clear provisions on non-discriminatory product definitions and include prequalification requirements. Capacity mechanisms shall reflect the structural advantage provided by distributed and demand-side resources.

Or. en

Justification

It is paramount that such mechanism are open to all market participants, including across borders, and that they include flexibility criteria to effectively being able to provide capacity at short notice and with flexible volumes.

Amendment 1085
Massimiliano Salini

Proposal for a regulation
Article 23 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. *If the generation adequacy assessment for a Member State undertaken in accordance with the principles laid down in Article 19 shows serious and persistent security of supply concerns, the Member State may look for a temporary exemption from the application 23.4 for existing generation capacity.*

Or. en

Amendment 1086
Claude Turmes
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 23 – paragraph 4 c (new)

Text proposed by the Commission

Amendment

4c. *Capacity products should be defined with a time-horizon of no more than 4 years. The same contract lengths should be available to all resources.*

Or. en

Amendment 1087
Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation
Article 23 – paragraph 5

Text proposed by the Commission

Amendment

5. Where the European resource adequacy assessment has not identified a resource adequacy concern, Member States shall not apply capacity mechanisms.

deleted

Or. en

Amendment 1088

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

Proposal for a regulation
Article 23 – paragraph 5

Text proposed by the Commission

Amendment

5. Where the European resource adequacy assessment has not identified a resource adequacy concern, Member States shall not apply capacity mechanisms.

deleted

Or. en

Amendment 1089

Claude Turmes

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 23 – paragraph 5

Text proposed by the Commission

Amendment

5. Where the European resource adequacy assessment has not identified a resource adequacy concern, Member States shall not apply capacity mechanisms.

5. Where the European resource adequacy assessment has not identified a resource adequacy concern, Member States shall not apply capacity mechanisms. *Member States shall also not apply capacity mechanisms in markets with*

regulated prices or price caps, in case they have not reached their interconnection targets or where network codes and guidelines are not fully implemented and applied.

Or. en

Justification

Capacity mechanisms should not be introduced in markets that have not yet been fully opened and where interconnection capacity is missing.

Amendment 1090

András Gyürk, György Hölvényi

Proposal for a regulation

Article 23 – paragraph 5

Text proposed by the Commission

5. Where *the European resource adequacy assessment has not identified a resource adequacy concern, Member States shall not apply capacity mechanisms.*

Amendment

5. Where *a Member State wishes to implement capacity mechanism, it must explain its consistency with the European resource adequacy assessment, especially regarding the justification, scope, start and termination, and multi-year implementation.*

Or. en

Amendment 1091

Marian-Jean Marinescu

Proposal for a regulation

Article 23 – paragraph 5

Text proposed by the Commission

5. Where the *European* resource adequacy assessment has not identified a resource adequacy concern, Member States shall not apply capacity mechanisms.

Amendment

5. Where the *national* resource adequacy assessment has not identified a resource adequacy concern, Member States shall not apply capacity mechanisms.

Or. en

Amendment 1092

Jerzy Buzek, Janusz Lewandowski, Marian-Jean Marinescu

Proposal for a regulation

Article 23 – paragraph 5

Text proposed by the Commission

5. Where *the European* resource adequacy assessment has not identified a resource adequacy concern, Member States shall not apply capacity mechanisms.

Amendment

5. Where *a national* resource adequacy assessment has not identified a resource adequacy concern, Member States shall not apply capacity mechanisms.

Or. en

Justification

Commission's proposal does not consider the principle of subsidiarity. While the monitoring and assessing of resource adequacy at the European level is needed and could prove helpful, the ERAA should only complement and support the national resource adequacy assessment.

Amendment 1093

Cristian-Silviu Buşoi

Proposal for a regulation

Article 23 – paragraph 5

Text proposed by the Commission

5. Where *the European* resource adequacy assessment has not identified a resource adequacy concern, Member States shall not apply capacity mechanisms.

Amendment

5. Where *a national* resource adequacy assessment has not identified a resource adequacy concern, Member States shall not apply capacity mechanisms.

Or. en

Amendment 1094

Zdzisław Krasnodębski, Edward Czesak

Proposal for a regulation

Article 23 – paragraph 5

Text proposed by the Commission

Amendment

5. Where *the European* resource adequacy assessment has not identified a resource adequacy concern, Member States shall not apply capacity mechanisms.

5. Where *a national* resource adequacy assessment has not identified a resource adequacy concern, Member States shall not apply capacity mechanisms.

Or. en

Amendment 1095

Adam Gierek, Krystyna Lybacka

Proposal for a regulation

Article 23 – paragraph 5

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

Text proposed by the Commission

5. Where the *European* resource adequacy assessment has not identified a resource adequacy concern, Member States shall not apply capacity mechanisms.

Amendment

5. Where the *national* resource adequacy assessment has not identified a resource adequacy concern, Member States shall not apply capacity mechanisms.

Or. pl

Justification

The main reference for the introduction of capacity mechanisms should be the national resource adequacy assessment.

Amendment 1096

Lorenzo Fontana

Proposal for a regulation

Article 23 – paragraph 5

Text proposed by the Commission

5. *Where the European resource adequacy assessment has not identified a resource adequacy concern, Member States shall not apply capacity mechanisms.*

Amendment

5. *Member States may apply capacity mechanisms if compliant with the EC Guidelines on State aid for environmental protection and energy 2014-2020.*

Or. en

Amendment 1097
Françoise Grossetête

Proposal for a regulation
Article 23 – paragraph 5

Text proposed by the Commission

5. *Where the European resource adequacy assessment has not identified a resource adequacy concern, Member States shall not apply capacity mechanisms.*

Amendment

5. *Member States shall take into consideration the result of the European resource adequacy assessment when deciding to apply capacity mechanisms.*

Or. en

Amendment 1098
Edouard Martin, Pervenche Berès

Proposal for a regulation
Article 23 – paragraph 5

Text proposed by the Commission

5. Where *the European resource adequacy assessment has not identified a resource adequacy concern, Member States shall not apply capacity mechanisms.*

Amendment

5. Where *a Member States wishes to establish a capacity mechanism, it must show that it is consistent with the resource adequacy assessments, especially as regards the justification for this.*

Or. fr

Amendment 1099
Rolandas Paksas

Proposal for a regulation
Article 23 – paragraph 5

Text proposed by the Commission

5. Where *the European* resource adequacy assessment has not identified a resource adequacy concern, Member States shall not apply capacity mechanisms.

Amendment

5. Where *a national* resource adequacy assessment has not identified a resource adequacy concern, Member States shall not apply capacity mechanisms.

Amendment 1100
Kateřina Konečná, Evžen Tošenovský

Proposal for a regulation
Article 23 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. When designing capacity mechanism, Member States shall include an exit clause, a provision allowing for efficient phase-out of a capacity mechanism in case the resource adequacy assessment proves that the adequacy concern is not present anymore.

Or. en

Amendment 1101
Pilar del Castillo Vera, Francesc Gambús, Pilar Ayuso

Proposal for a regulation
Article 23 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Member States may apply capacity mechanisms if a sufficient level of interconnection has not been reached and if they are justified by the results of the national adequacy assessment.

Or. en

Amendment 1102
Pavel Telička

Proposal for a regulation
Article 23 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Capacity mechanisms shall be designed in a way which allows for their effective phase-out once the adequacy concern is not present anymore. To this aim, capacity mechanisms shall contain a specific exit clause.

Or. en

Amendment 1103
Luděk Niedermayer

Proposal for a regulation
Article 23 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Where implemented, capacity mechanisms shall be well designed: market-based, technology-neutral, open to existing and new assets, open to cross-border participation

Or. en

Amendment 1104
Dario Tamburrano, David Borrelli

Proposal for a regulation
Article 23 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. When designing capacity mechanisms, Member States shall have regard to the environmental objective of phasing out environmentally or economically harmful subsidies.

Or. en

Amendment 1105
Jaromír Kohlíček

Proposal for a regulation
Article 23 a (new)

Text proposed by the Commission

Amendment

Article 23 a

When designing capacity mechanisms Member States shall include an exit clause, a provision allowing for efficient phase-out of a capacity mechanism in case the resource adequacy assessment proves that the adequacy concern is not present anymore.

Or. en

Amendment 1106
Massimiliano Salini

Proposal for a regulation
Article 24

Text proposed by the Commission

Amendment

Article 24

deleted

Existing mechanisms

Member States applying capacity mechanisms on [OP: entry into force of this Regulation] shall adapt their mechanisms to comply with Articles 18, 21 and 23 of this Regulation.

Or. en

Amendment 1107
Claude Turmes
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 24 – paragraph 1

Text proposed by the Commission

Amendment

Member States applying capacity mechanisms on [OP: entry into force of this Regulation] shall adapt their mechanisms to comply with Articles 18, 21 and 23 of this Regulation.

Member States applying capacity mechanisms on [OP: entry into force of this Regulation] shall adapt their mechanisms to comply with Articles 18, **18a**, 21 and 23 of this Regulation. ***Without prejudice to the immediate application of the emission limits and flexibility requirements set out in Article 23, by [two years from the entry into force of this Regulation], Member States shall complete the review of existing capacity mechanisms, and of the related contractual or administrative arrangement, and bring them in compliance with the provisions of this Regulation. They shall submit to the Commission a detailed report on the results of the review and of the measures taken.***

Or. en

Justification

To create a level playing field, existing capacity market mechanisms have to be aligned with the general provisions as soon as possible.

Amendment 1108

Pavel Telička

Proposal for a regulation

Article 24 – paragraph 1

Text proposed by the Commission

Member States applying capacity mechanisms on [OP: entry into force of this Regulation] shall adapt their mechanisms to comply with Articles 18, 21 and 23 of this Regulation.

Amendment

Member States applying capacity mechanisms on [OP: entry into force of this Regulation] shall adapt their mechanisms to comply with Articles 18, 21 and 23 of this Regulation ***within [two] years after entry into force of this Regulation.***

Or. en

Justification

It is appropriate to set clear deadline for adaptation of existing capacity mechanisms to comply with proposed Regulation.

Amendment 1109

Jaromír Kohlíček

Proposal for a regulation

Article 24 – paragraph 1

Text proposed by the Commission

Member States applying capacity mechanisms on [OP: entry into force of this Regulation] shall adapt their mechanisms to comply with Articles 18, 21 and 23 of this Regulation.

Amendment

Member States applying capacity mechanisms on [OP: entry into force of this Regulation] shall adapt their mechanisms to comply with Articles 18, 21 and 23 of this Regulation ***within [two] years after entry into force of this Regulation.***

Or. en

Justification

It is only appropriate to set clear deadline for adaptation of existing capacity mechanisms to comply with proposed Regulation.

Amendment 1110

Miroslav Poche

Proposal for a regulation

Article 24 – paragraph 1

Text proposed by the Commission

Member States applying capacity mechanisms on [OP: entry into force of this Regulation] shall adapt their mechanisms to comply with Articles 18, 21 and 23 of this Regulation.

Amendment

Member States applying capacity mechanisms on [OP: entry into force of this Regulation] shall adapt their mechanisms to comply with Articles 18, 21 and 23 of this Regulation ***within two years after entry into force of this Regulation.***

Or. en

Justification

For the sake of legislative clarity, there is a need to specify the deadline for compliance of existing mechanisms with the rules proposed in the regulation.

Amendment 1111

Evžen Tošenovský

Proposal for a regulation

Article 24 – paragraph 1

Text proposed by the Commission

Member States applying capacity mechanisms on [OP: entry into force of this Regulation] shall adapt their mechanisms to comply with Articles 18, 21 and 23 of this Regulation.

Amendment

Member States applying capacity mechanisms on [OP: entry into force of this Regulation] shall adapt their mechanisms to comply with Articles 18, 21 and 23 of this Regulation ***within two years after entry into force of this Regulation.***

Or. en

Amendment 1112

Adam Gierek, Krystyna Łybacka

Proposal for a regulation

Article 24 – paragraph 1

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

Text proposed by the Commission

Member States applying capacity mechanisms on [OP: entry into force of this Regulation] shall adapt their mechanisms to comply with Articles 18, 21 and 23 of this Regulation.

Amendment

Member States applying capacity mechanisms on [OP: entry into force of this Regulation] shall adapt their mechanisms to comply with Articles 18, 21 and 23 of this Regulation ***by 31 December 2030.***

Or. pl

Justification

The aim of this proposed amendment is to comply with the principle of legitimate expectations, which would necessitate an adjustment period to allow Member States to bring capacity mechanisms into line with requirements arising from the Regulation.

Amendment 1113
Cristian-Silviu Buşoi

Proposal for a regulation
Article 24 – paragraph 1

Text proposed by the Commission

Member States applying capacity mechanisms on [OP: entry into force of this Regulation] shall adapt their mechanisms to comply with Articles 18, 21 and 23 of this Regulation.

Amendment

Member States applying capacity mechanisms on [OP: entry into force of this Regulation] shall adapt their mechanisms to comply with Articles 18, 21 and 23 of this Regulation **by 31 December 2030**.

Or. en

Amendment 1114
Jerzy Buzek, Janusz Lewandowski, Marian-Jean Marinescu

Proposal for a regulation
Article 24 – paragraph 1

Text proposed by the Commission

Member States applying capacity mechanisms on [OP: entry into force of this Regulation] shall adapt their mechanisms to comply with Articles 18, 21 and 23 of this Regulation.

Amendment

Member States applying capacity mechanisms on [OP: entry into force of this Regulation] shall adapt their mechanisms to comply with Articles 18, 21 and 23 of this Regulation **by 31 December 2030**.

Or. en

Justification

A reasonable transitional period should be established for Member States which shall apply a capacity mechanism on the date the Electricity Regulation comes into force.

Amendment 1115
Martina Werner, Flavio Zanonato, Jeppe Kofod, Carlos Zorrinho, Miapetra Kumpula-Natri, Miroslav Poche, Soledad Cabezón Ruiz, José Blanco López, Dan Nica, Edouard Martin

Proposal for a regulation
Article 24 – paragraph 1

Text proposed by the Commission

Member States applying capacity mechanisms ***on [OP: entry into force of this Regulation]*** shall adapt their mechanisms to comply with Articles 18, 21 and 23 of this Regulation.

Amendment

Member States applying capacity mechanisms shall adapt their mechanisms to comply with Articles 18, 21 and 23 of this Regulation.

Or. en

Amendment 1116
Esther de Lange, Seán Kelly, Ivo Belet

Proposal for a regulation
Article 24 a (new)

Text proposed by the Commission

Amendment

Article 24 a

Within 12 months after the entry into force of this Regulation an Electricity Market Design Advisory Board shall be established. The Advisory Board shall be consisting of high-level experts of EU Member States and a relevant and balanced group of experts from the energy sector, including utilities, investors, technology providers, network operators, climate protection groups, consumer representatives and representatives of local energy communities.

The Advisory Board will provide the Commission with expertise and insight, and thus advice and assist the Commission in the assessment of the challenges related to the current energy market design and preparation of future policy initiatives in this respect. It will do so by formulating opinions, recommendations or reports, where appropriate.

Within 24 months after the establishment

of the Advisory Board, the European Commission should draw its conclusions from the discussion by means of a Communication laying out the strategic priorities for a European electricity market capable of driving the investments needed for a sustainable, secure and affordable energy transition.

Or. en