



**2016/0377(COD)**

14.9.2017

# **AMENDMENTS 201 - 233**

**Draft report**

**Flavio Zanonato**

(PE606.138v01-00)

Risk-preparedness in the electricity sector

Proposal for a regulation

(COM(2016)0862 – C8-0493/2016 – 2016/0377(COD))



**Amendment 201**  
**Pilar del Castillo Vera**

**Proposal for a regulation**  
**Article 14 – paragraph 2**

*Text proposed by the Commission*

2. Where necessary and possible Member States shall offer each other assistance to prevent or mitigate an electricity crisis. Such assistance shall be subject to compensation.

*Amendment*

2. Where necessary and possible Member States shall offer each other assistance to prevent or mitigate an electricity crisis. Such assistance shall be subject to compensation, ***which shall include at least the following:***  
***(a) the electricity delivered into the territory of the requesting Member State;***  
***(b) all other relevant and reasonable costs incurred when providing solidarity, including, where appropriate, costs of measures that may have been established in advance;***  
***(c) reimbursement of any compensation resulting from judicial proceedings, arbitration or similar proceedings and settlements and related costs of such proceedings involving the Member State providing solidarity vis-a-vis entities involved in the provision of such solidarity.***  
***By 1 December 2019 Member States shall take the necessary technical, legal and financial measures to implement this paragraph. Those measures may establish practical arrangements for prompt payment.***

Or. es

**Amendment 202**  
**Angelika Mlinar, Pavel Telička, Carolina Punset**

**Proposal for a regulation**  
**Article 14 – paragraph 2**

*Text proposed by the Commission*

2. Where necessary and possible Member States shall offer each other

*Amendment*

2. Where necessary and possible Member States shall offer each other

assistance to prevent or mitigate an electricity crisis. Such assistance shall be subject to compensation.

assistance to prevent or mitigate an electricity crisis. Such assistance shall be subject to *reasonable* compensation, *covering at least the cost of electricity supplied into the territory of the requesting Member State and all other relevant costs incurred when providing assistance, including, if appropriate, assistance prepared without effective activation;*

Or. en

*Justification*

*Definition of minimum requirements for reasonable compensation should be included, aligned with the requirements used in Regulation for security of gas supply.*

**Amendment 203**

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

**Proposal for a regulation**

**Article 14 – paragraph 2**

*Text proposed by the Commission*

2. Where necessary and possible Member States shall offer each other assistance to prevent or mitigate an electricity crisis. Such assistance shall be subject to compensation.

*Amendment*

2. Where necessary and possible Member States shall offer each other assistance to prevent or mitigate an electricity crisis, *respecting the prerogatives of the Member States and the autonomy of the national authorities.* Such assistance shall be subject to compensation.

Or. it

**Amendment 204**

**Rebecca Harms**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 14 – paragraph 2**

*Text proposed by the Commission*

2. Where necessary and possible

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*Amendment*

2. Where necessary and possible

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Member States shall offer each other assistance to prevent or mitigate an electricity crisis. Such assistance shall be subject to compensation.

Member States shall offer each other assistance to prevent or mitigate an electricity crisis. Such assistance shall be subject to compensation ***in accordance with principles identified pursuant to Article 7a of this Regulation.***

Or. en

*Justification*

*To avoid disagreements over compensation, the principles of such compensation should be established by a neutral EU level agency – ACER. Also, to be consistent with earlier amendments defining the ACER's role in harmonising the lists of protected customers across MSs.*

**Amendment 205**

**Xabier Benito Ziluaga, Marisa Matias, Neoklis Sylikiotis, Paloma López Bermejo**

**Proposal for a regulation**

**Article 14 – paragraph 2**

*Text proposed by the Commission*

2. Where necessary and possible Member States shall offer each other assistance to prevent or mitigate an electricity crisis. Such assistance shall be subject to compensation.

*Amendment*

2. Where necessary and possible Member States shall offer each other assistance to prevent or mitigate an electricity crisis. Such assistance shall be subject to ***fair*** compensation, ***taking into account the financial capacities of the Member States.***

Or. en

**Amendment 206**

**Ashley Fox, Hans-Olaf Henkel**

**Proposal for a regulation**

**Article 15 – paragraph 2**

*Text proposed by the Commission*

2. Non-market measures ***may*** be activated in a crisis situation ***and*** only if all options provided by the market have been exhausted. They shall not unduly distort competition and the effective functioning

*Amendment*

2. Non-market measures ***shall*** be activated in a crisis situation only if all options provided by the market ***are likely to be exhausted or*** have been exhausted, ***and when the continuation of market***

of the electricity market. They shall be necessary, proportionate, non-discriminatory and temporary.

*activities could lead to the further deterioration of a crisis situation.* They shall not unduly distort competition and the effective functioning of the electricity market. They shall be necessary, proportionate, non-discriminatory and temporary.

Or. en

**Amendment 207**  
**Luděk Niedermayer**

**Proposal for a regulation**  
**Article 15 – paragraph 2**

*Text proposed by the Commission*

2. Non-market measures may be activated in a crisis situation and only if all options provided by the market have been exhausted. They shall not unduly distort competition and the effective functioning of the electricity market. They shall be necessary, proportionate, non-discriminatory and temporary.

*Amendment*

2. Non-market measures may be activated in a crisis situation and only if all options provided by the market have been exhausted. They shall not unduly distort competition and the effective functioning of the electricity market. They shall be necessary, proportionate, non-discriminatory and temporary. ***Affected market parties shall be duly informed at earliest convenience if any non-market measures are applied.***

Or. en

*Justification*

*Transparency is crucial for well-functioning electricity markets. Market players need to be duly informed on any use of non-market based measures, such as curtailment of available transmission capacities, or non-market based redispatching.*

**Amendment 208**  
**Rebecca Harms**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 15 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Non-market measures may be activated in a crisis situation **and** only if all options provided by the market have been exhausted. They shall not unduly distort competition and the effective functioning of the electricity market. They shall be necessary, proportionate, non-discriminatory and temporary.

2. Non-market measures may be activated in a crisis situation **as a last resort** only if all options provided by the market have been exhausted. They shall not unduly distort competition and the effective functioning of the electricity market. They shall be necessary, proportionate, non-discriminatory and temporary **and shall take full account of principles identified pursuant to Article 7a of this Regulation.**

Or. en

#### *Justification*

*The aim of this amendment is to strengthen the paragraph and emphasise the need to refrain from applying non-market measures as much as possible.*

#### **Amendment 209**

**Massimiliano Salini, Fulvio Martusciello, Aldo Patriciello**

#### **Proposal for a regulation Article 15 – paragraph 2**

##### *Text proposed by the Commission*

2. Non-market measures may be activated in a crisis situation and only if all options provided by the market have been exhausted. They shall not unduly distort competition and the effective functioning of the electricity market. They shall be necessary, proportionate, non-discriminatory and temporary.

##### *Amendment*

2. Non-market measures may be activated in a crisis situation and only if all options provided by the market have been exhausted. They shall not unduly distort competition and the effective functioning of the electricity market. They shall be necessary, proportionate, non-discriminatory and temporary. **When activated, they should be subject to compensation.**

Or. en

#### **Amendment 210**

**Xabier Benito Ziluaga, Marisa Matias, Paloma López Bermejo**

#### **Proposal for a regulation Article 15 – paragraph 2**

*Text proposed by the Commission*

2. ***Non-market measures may be activated in a crisis situation and only if all options provided by the market have been exhausted.*** They shall not unduly distort competition and the effective functioning of the electricity market. They shall be necessary, proportionate, non-discriminatory and temporary.

*Amendment*

2. ***When the functioning of the market can jeopardize the resolution of the crisis, non-market measures shall be activated.*** They shall not unduly distort competition and the effective functioning of the electricity market. They shall be necessary, proportionate, non-discriminatory and temporary.

Or. en

**Amendment 211**  
**Luděk Niedermayer**

**Proposal for a regulation**  
**Article 15 – paragraph 3**

*Text proposed by the Commission*

3. Transaction curtailment including curtailment of already allocated cross-zonal capacity, limitation of provision of cross-zonal capacity for capacity allocation or limitation of provision of schedules shall only be initiated in compliance with the rules laid down in Article 14(2) of Electricity Regulation [proposed Electricity Regulation] and the rules adopted to specify this provision.

*Amendment*

3. Transaction curtailment including curtailment of already allocated cross-zonal capacity, limitation of provision of cross-zonal capacity for capacity allocation or limitation of provision of schedules shall only be initiated in compliance with the rules laid down in Article 14(2) of Electricity Regulation [proposed Electricity Regulation], ***Article 72 of Commission Regulation(EU) 2015/1222 establishing guideline on capacity allocation and congestion management*** and the rules adopted to specify this provision.

Or. en

*Justification*

*To clarify that also other paragraphs of Article 14 deals with capacity allocation, for instance paragraph 3 stipulates that “The maximum capacity of the interconnections and/or the transmission networks affecting cross-border flows shall be made available to market participants”. It is also important to add note to CACM Regulation.*

**Amendment 212**  
**Angelika Mlinar, Pavel Telička, Carolina Punset**



**Proposal for a regulation**  
**Article 16 – paragraph 1**

*Text proposed by the Commission*

1. As soon as possible and no later than six weeks after **declaring an** electricity crisis situation, the competent authorities concerned, in consultation with their national regulatory authority (where it is not the competent authority) shall provide the Electricity Coordination Group and the Commission with **an** evaluation report.

*Amendment*

1. As soon as possible and no later than six weeks after **the** electricity crisis situation **has ended**, the competent authorities concerned, in consultation with their national regulatory authority (where it is not the competent authority) shall provide the Electricity Coordination Group and the Commission with **a detailed** evaluation report.

Or. en

**Amendment 213**  
**Ashley Fox, Hans-Olaf Henkel**

**Proposal for a regulation**  
**Article 16 – paragraph 2 – point d**

*Text proposed by the Commission*

(d) an account of the assistance provided to or received from neighbouring Member States and non-EU countries;

*Amendment*

(d) an account of the assistance **prepared**, provided to or received from neighbouring Member States and non-EU countries;

Or. en

**Amendment 214**  
**Luděk Niedermayer**

**Proposal for a regulation**  
**Article 16 – paragraph 2 – point e**

*Text proposed by the Commission*

(e) the economic impact of the electricity crisis **and** the impact of the measures taken on the electricity sector, in particular the volumes of energy non-served and the level of manual demand disconnection (including a comparison between the level of voluntary and forced

*Amendment*

(e) the economic impact of the electricity crisis, the impact of the measures taken on the electricity sector, in particular the volumes of energy non-served and the level of manual demand disconnection (including a comparison between the level of voluntary and forced

demand disconnection);

demand disconnection) **and the measures imposed on stakeholders such as power generators, suppliers and other relevant market participants;**

Or. en

*Justification*

*Despite the list being introduced by 'in particular', the economic impact for generators and other service providers (demand response and storage) of the measures taken during crisis situations should be mentioned explicitly (not only the price of energy but also other impacts such as starting unit out of the merit order, dis-optimization of production or maintenance programs, etc.).*

**Amendment 215**

**Luděk Niedermayer**

**Proposal for a regulation**

**Article 16 – paragraph 2 – point e**

*Text proposed by the Commission*

(e) the economic impact of the electricity crisis and the impact of the measures taken on the electricity sector, in particular the volumes of energy non-served and the level of manual demand disconnection (including a comparison between the level of voluntary and forced demand disconnection);

*Amendment*

(e) the economic impact of the electricity crisis and the impact of the measures taken on the electricity sector, in particular the volumes of energy non-served, **curtailment of available or allocated cross-zonal capacities**, and the level of manual demand disconnection (including a comparison between the level of voluntary and forced demand disconnection);

Or. en

*Justification*

*Maximum transparency is needed for sake of functioning internal electricity market.*

**Amendment 216**

**Ashley Fox, Hans-Olaf Henkel**

**Proposal for a regulation**

**Article 16 – paragraph 2 – point e**

*Text proposed by the Commission*

*Amendment*

(e) the economic impact of the electricity crisis and the impact of the measures taken on the electricity sector, in particular the volumes of energy non-served and the level of manual demand disconnection (including a comparison between the level of voluntary and forced demand disconnection);

(e) the economic impact of the electricity crisis, ***the economic impact on power generators*** and the impact of the measures taken on the electricity sector, in particular the volumes of energy non-served and the level of manual demand disconnection (including a comparison between the level of voluntary and forced demand disconnection);

Or. en

#### **Amendment 217**

**Rebecca Harms**

on behalf of the Verts/ALE Group

#### **Proposal for a regulation**

**Article 16 – paragraph 2 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

***(e a) a thorough justification of the use of non-market measures in cases where such measures were applied;***

Or. en

#### *Justification*

*The obligation to justify the use of non-market measures would act as an additional deterrent for the Member States to use these measures.*

#### **Amendment 218**

**Rebecca Harms**

on behalf of the Verts/ALE Group

#### **Proposal for a regulation**

**Article 16 – paragraph 2 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

***(f a) an updated action plan in case the crisis was due to the structural weakness of the system.***

Or. en

#### **Amendment 219**

**Angelika Mlinar, Pavel Telička, Carolina Punset**

#### **Proposal for a regulation**

#### **Article 16 – paragraph 4**

*Text proposed by the Commission*

4. The competent authorities concerned shall present the results of the evaluation to the Electricity Coordination Group.

*Amendment*

4. The competent authorities concerned shall present the results of the evaluation to the Electricity Coordination Group **and the results shall be reflected in the updates of the risk-preparedness plans;**

Or. en

#### **Amendment 220**

**Rebecca Harms**

on behalf of the Verts/ALE Group

#### **Proposal for a regulation**

#### **Article 16 – paragraph 4**

*Text proposed by the Commission*

4. The competent authorities concerned shall present the results of the evaluation to the Electricity Coordination Group.

*Amendment*

4. The competent authorities concerned shall present the results of the evaluation to the Electricity Coordination Group **and to the relevant macro-regional partnership.**

Or. en

#### **Amendment 221**

**Zdzisław Krasnodębski, Edward Czesak**

#### **Proposal for a regulation**

#### **Article 17 a (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 17 a*

**3. The Electricity Coordination Group issues recommendations pursuant to the**

*rules of procedure adopted by the Group unanimously.*

Or. en

**Amendment 222**

**Ashley Fox, Hans-Olaf Henkel**

**Proposal for a regulation**

**Article 18 – title**

*Text proposed by the Commission*

Cooperation with the Energy Community Contracting Parties

*Amendment*

Cooperation with the Energy Community Contracting Parties ***and third countries***

Or. en

**Amendment 223**

**Ashley Fox, Hans-Olaf Henkel**

**Proposal for a regulation**

**Article 18 – paragraph 1**

*Text proposed by the Commission*

Member States and the Energy Community Contracting Parties are invited to closely cooperate in the process of the identification of electricity crisis scenarios and the establishment of risk-preparedness plans so that no measures are taken that endanger the security of supply of Member States, Contracting Parties or the Union. In this respect, Energy Community Contracting Parties may participate in the Electricity Coordination Group upon invitation by the Commission with regard to all matters by which they are concerned.

*Amendment*

Member States and the Energy Community Contracting Parties ***and third countries connecting to the EU electricity network*** are invited to closely cooperate in the process of the identification of electricity crisis scenarios and the establishment of risk-preparedness plans so that no measures are taken that endanger the security of supply of Member States, Contracting Parties, ***third countries*** or the Union. In this respect, Energy Community Contracting Parties ***and, where relevant, other third countries*** may participate in the Electricity Coordination Group upon invitation by the Commission with regard to all matters by which they are concerned.

Or. en

## Amendment 224

Angelika Mlinar, Pavel Telička, Carolina Punset

### Proposal for a regulation

#### Article 18 – paragraph 1

*Text proposed by the Commission*

Member States **and** the Energy Community Contracting Parties are invited to closely cooperate in the process of the identification of electricity crisis scenarios and the establishment of risk-preparedness plans so that no measures are taken that endanger the security of supply of Member States, Contracting Parties or the **Union**. In this respect, Energy Community Contracting Parties may participate in the Electricity Coordination Group upon invitation by the Commission with regard to all matters by which they are concerned.

*Amendment*

Member States, the Energy Community Contracting Parties, **EEA countries and Switzerland** are invited to closely cooperate in the process of the identification of electricity crisis scenarios and the establishment of risk-preparedness plans so that no measures are taken that endanger the security of supply of Member States, Contracting Parties or the **region**. In this respect, Energy Community Contracting Parties, **EEA countries and Switzerland** may participate in the Electricity Coordination Group upon invitation by the Commission with regard to all matters by which they are concerned.

Or. en

## Amendment 225

Zdzisław Krasnodębski, Edward Czesak

### Proposal for a regulation

#### Article 19

*Text proposed by the Commission*

#### **Article 19**

##### ***Exercise of delegation***

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

***2. The power to adopt delegated acts as referred to in Article 10(3) shall be conferred on the Commission for an indeterminate period of time from [OPOCE to insert the date of entry into force of this Regulation].***

***3. The delegation of power referred to in Article 10(3) may be revoked at any time***

*Amendment*

***deleted***

*by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.*

*4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016<sup>30</sup>.*

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

*6. A delegated act adopted pursuant to Article 10(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament or the Council or if, before the expiry of that period, the European Parliament or the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.*

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<sup>30</sup> OJ L 123, 12.5.2016, p.1.

Or. en

**Amendment 226**  
**Barbara Kappel, Lorenzo Fontana**

**Proposal for a regulation**  
**Article 19 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. The **power** to adopt delegated acts  
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The **powers** to adopt **the** delegated  
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*as* referred to in Article 10(3) shall be conferred on the Commission for *an indeterminate* period of *time from [OPOCE to insert the date of entry into force of this Regulation]*.

acts referred to in Article 10(3) shall be conferred on the Commission for *a* period of *five years beginning on [xx.xx.xxxx]*. *The Commission shall submit a report in respect of the delegated powers no later than six months before the end of the five-year period. The delegation of powers shall be automatically extended for periods of an identical duration unless the European Parliament or the Council revokes it in accordance with Article 24.*

Or. de

#### **Amendment 227**

**Barbara Kappel, Lorenzo Fontana**

#### **Proposal for a regulation**

#### **Article 19 – paragraph 5**

##### *Text proposed by the Commission*

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

##### *Amendment*

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

Or. de

#### **Amendment 228**

**Luděk Niedermayer**

#### **Proposal for a regulation**

#### **Annex I – part 3 – subpart 3.1 – point c**

##### *Text proposed by the Commission*

(c) Describe measures to mitigate electricity crisis situations, notably demand-side and supply-side measures, whilst indicating in which circumstances these measures can be used especially the trigger of each measure. Where non-market measures are considered, they must be duly justified in light of the requirements set forth in Article 15;

##### *Amendment*

(c) Describe measures to mitigate electricity crisis situations, notably demand-side, *network-side* and supply-side measures, whilst indicating in which circumstances these measures can be used especially the trigger of each measure. Where non-market measures are considered, they must be duly justified in light of the requirements set forth in Article



**Amendment 229**  
**Angelika Mlinar, Pavel Telička**

**Proposal for a regulation**  
**Annex I – part 3 – subpart 3.1 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

**(e a) describe the national measures necessary to implement and enforce the regional measures agreed on according to Article 12**

**Amendment 230**  
**Jaromír Kohlíček**

**Proposal for a regulation**  
**Annex I – part 5 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

**(b) relevant organisations representing the interests of households;** **deleted**

*Justification*

*Consultation these types of organisations (representing the interests of households)- if exist- is from our point of view unnecessary difficult and in many cases almost impossible. Member States' responsibility towards their citizens in the area of security of electricity supply is indispensable. The security of electricity supply is represented by the involvement of the state (competent authority) and the National Regulatory Authority.*

**Amendment 231**  
**Pilar del Castillo Vera**

**Proposal for a regulation**  
**Annex I – part 5 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) relevant organisations representing the interests of industrial electricity customers, ***including gas undertakings***;

(c) relevant organisations representing the interests of industrial electricity customers;

Or. es

**Amendment 232**  
**Luděk Niedermayer**

**Proposal for a regulation**  
**Annex I – part 5 – paragraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(d a) (e) Transmission and distribution system operators***

Or. en

**Amendment 233**  
**Jaromír Kohlíček**

**Proposal for a regulation**  
**Annex I – part 6 – point a**

*Text proposed by the Commission*

*Amendment*

***(a) Indicate the calendar for the yearly regional (if applicable also national) real time response simulations of electricity crisis situations;***

***deleted***

Or. en

*Justification*

*Required descriptions of procedures and actions during the electricity crisis as specified in ANNEX Template for risk-preparedness plan, are administratively unnecessarily extensive regarding the required consultations. The requirement on annual testing of risk-preparedness plans is from practical point of view unnecessary. The plans must be kept up-to-date, however, annual testing will bring only unnecessary additional administrative burden without any significant positive impact.*