



2023/0077(COD)

25.5.2023

AMENDMENTS

407 - 646

Draft report
Nicolás González Casares
(PE747.032v01-00)

Amending Regulations (EU) 2019/943 and (EU) 2019/942 as well as Directives (EU) 2018/2001 and (EU) 2019/944 to improve the Union's electricity market design

Proposal for a regulation
(COM(2023)0148 – C9-0049/2023 – 2023/0077(COD))

Amendment 407
Marina Mesure, Marc Botenga

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Regulation (EU) 2019/943
Article 2 – point 78

Text proposed by the Commission

(78) ‘market revenue’ means realised income an electricity producer receives in exchange for the sale and delivery of electricity in the Union, regardless of the contractual form in which such exchange takes place, and excluding any support granted by Member States;

Amendment

(78) ‘market revenue’ means realised income an electricity producer receives in exchange for the sale and delivery of electricity in the Union, ***or other services related with the energy system***, regardless of the contractual form in which such exchange takes place, ***including power purchase agreements and other hedging operations against fluctuations in the wholesale electricity market*** and excluding any support granted by Member States;

Or. en

Justification

Market revenue of producers go beyond the sale and delivery of electricity. Hence, the scope of this definition shall be widened.

Amendment 408
Michael Bloss

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Regulation (EU) 2019/943
Article 2 – point 78a (new)

Text proposed by the Commission

Amendment

(78a) 'surplus revenue' means any positive difference between the market revenue per MWh of electricity and the cap on market revenue of 180 EUR indexed to inflation rate per MWh of electricity provided for in Article 65a.

Or. en

WIP

Amendment 409

Michael Bloss

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EU) 2019/943

Article 2 – point 78b (new)

Text proposed by the Commission

Amendment

(78b) 'solidarity contribution' means a contribution by Union companies and permanent establishment in the energy sectors, including those part of a consolidated group, applied at national level.

Or. en

Amendment 410

Michael Bloss

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EU) 2019/943

Article 2 – point 79

Text proposed by the Commission

Amendment

(79) ‘dedicated metering device’ means a device attached to or embedded in an asset that ***sells*** demand response or flexibility services on the electricity market or to transmission and distribution system operators;

(79) ‘dedicated metering device’ means a device attached to or embedded in an asset that ***provides quantification of*** demand response or flexibility services on the electricity market or to transmission and distribution system operators;

Or. en

Amendment 411

András Gyürk, Ernő Schaller-Baross

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EU) 2019/943

Article 2 – point 79

Text proposed by the Commission

(79) ‘dedicated **metering** device’ means a device attached to or embedded in an asset that ***sells demand response or flexibility services on*** the electricity market or to transmission and distribution system operators;

Amendment

(79) ‘dedicated **measurement** device’ means a device attached to or embedded in an asset that ***participates in*** the electricity market or ***provides flexibility services*** to transmission and distribution system operators ;

Or. en

Justification

Data from dedicated measurement devices should allow consumers’ assets to participate in the electricity market and provide flexibility services to system operators.

Amendment 412

Maria da Graça Carvalho, Pilar del Castillo Vera, Massimiliano Salini, Lara Comi, Seán Kelly, Christian Ehler, Pernille Weiss, Aldo Patriciello, Angelika Winzig

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EU) 2019/943

Article 2 – point 79

Text proposed by the Commission

(79) ‘dedicated metering device’ means a device ***attached*** to or embedded in an asset that sells demand response or flexibility services on the electricity market or to transmission and distribution system operators;

Amendment

(79) ‘dedicated metering device’ means a device ***relating*** to or embedded in an asset that sells demand response or flexibility services on the electricity market or to transmission and distribution system operators;

Or. en

Amendment 413

Morten Petersen, Claudia Gamon, Ivars Ijabs

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Regulation (EU) 2019/943
Article 2 – point 80

Text proposed by the Commission

(80) ‘flexibility’ means the ability of **an electricity** system to **adjust to** the variability **of** generation and consumption patterns **and grid availability**, across relevant **market** timeframes.

Amendment

(80) ‘flexibility’ means the ability of **the interconnected** system to **manage with all its connected resources** the variability **and uncertainty of electricity** generation and consumption patterns across relevant timeframes;

Or. en

Amendment 414
Susana Solís Pérez, Claudia Gamon

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Regulation (EU) 2019/943
Article 2 – point 80a (new)

Text proposed by the Commission

Amendment

(80a) "flexible connection": This is a connection mode whereby the flexible installation connected to a grid point or area may make use of the access capacity not used at any time by the electricity generation installations and by demand, if any. Any installation may make use of this flexible connection until the installed capacity with flexible connection equals the maximum capacity of the grid point or grid area.

Or. en

Justification

The idea is that a stand-alone storage installation can be connected at any point/zone of the grid making use of unused capacity in real time, which will have to be reported by the Grid Manager, both to inject energy (generation) and to consume (storage charging). To give an example, if a node has a capacity of 150 MW granted, 100 MW PV + 50 MW Wind, through the flexible connection they can connect up to 150 MW of storage, which can make use of the capacity not being used by the generators. The same would apply to the capacity to consume,

as demand, to accumulate energy in storage.

Amendment 415

Marian-Jean Marinescu

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EU) 2019/943

Article 2, paragraph 80

Text proposed by the Commission

Amendment

(80a) ‘pay-as-cleared’ means a pricing system where all electricity generators get the same price for the electricity they are selling at a given moment. Electricity producers bid into the market at the price they are willing to produce. Once the full demand is satisfied, everybody obtains the price of the last producer from which electricity was bought.

(Legal clarity purposes)

Or. en

Justification

Legal clarity purposes

Amendment 416

Morten Petersen, Claudia Gamon, Klemen Grošelj, Emma Wiesner, Ivars Ijabs

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EU) 2019/943

Article 2 – point 80a (new)

Text proposed by the Commission

Amendment

(80a) ‘power control system (PCS)’ means systems or devices, such as electric energy management systems, smart inverters or hybrid inverters for storage and V2X, which electronically limit or control the steady state AC currents, DC currents or AC power at a reference point

to a programmable limit or level;

Or. en

Amendment 417

Maria da Graça Carvalho, Massimiliano Salini, Lara Comi, Seán Kelly, Henna Virkkunen, Christian Ehler, Pernille Weiss, Aldo Patriciello, Angelika Winzig

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EU) 2019/943

Article 2 – point 80a (new)

Text proposed by the Commission

Amendment

(80a) ‘intraday market operator’ means any NEMO, power exchange or other entity which collects bids and offers for intraday products, or products with essentially the same characteristics as intraday products, from market participants before or after the intraday cross-zonal gate closure time.

Or. en

Amendment 418

Marina Measure, Marc Botenga

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EU) 2019/943

Article 2

Text proposed by the Commission

Amendment

(80a) ‘surplus revenues’ means a positive difference between the market revenues of producers per MWh of electricity and the cap on market revenues of 80 EUR per MWh of electricity provided for in Article 10a(2);

Or. en

Justification

Definition corresponding to the cap of surplus revenues of article 10a new.

Amendment 419

Marina Measure, Marc Botenga

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EU) 2019/943

Article 2 – point 80b (new)

Text proposed by the Commission

Amendment

(80b) ‘fair price’ means the price that is established by taking into account the costs of production of electricity, amortization of the infrastructure, impact on climate and environment, planned low carbon investments in electricity generation from renewable sources and investments in the grid and electricity storage technologies.

Or. en

Justification

A definition of fair price of electricity reflecting the main components of the real cost of electricity is useful for the concrete implementation of the regulation.

Amendment 420

Morten Petersen, Emma Wiesner, Klemen Grošelj, Susana Solís Pérez, Ivars Ijabs

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EU) 2019/943

Article 2 – point 80b (new)

Text proposed by the Commission

Amendment

(80b) ‘intraday market timeframe’ means the timeframe of the electricity market from single intraday coupling gate opening time until the latest point in time when intraday trading is allowed in a given bidding zone including time periods

after the intraday cross-zonal gate closure time;

Or. en

Amendment 421

Marian-Jean Marinescu

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EU) 2019/943

Article 2 – point 80b (new)

Text proposed by the Commission

Amendment

(80b) ‘pay-as-bid’ means a pricing system where electricity generators are paid according to their bidding price, regardless of the price at which the market clears.

(Legal clarity purposes)

Or. en

Justification

Legal clarity purposes

Amendment 422

Morten Petersen, Emma Wiesner, Susana Solís Pérez, Klemen Grošelj, Ivars Ijabs

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EU) 2019/943

Article 2 – point 80c (new)

Text proposed by the Commission

Amendment

(80c) ‘day-ahead market timeframe’ means the timeframe of the electricity market from the single day-ahead coupling gate opening time until the time when the single day-ahead coupling results are published;

Or. en

Amendment 423
Marian-Jean Marinescu

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Regulation (EU) 2019/943
Article 2 – point 80c (new)

Text proposed by the Commission

Amendment

(80c) ‘price shock absorber’ means an additional market feature, temporary applicable when its triggering conditions are met.

Or. en

Justification

Legal clarity purposes

Amendment 424
Marina Mesure, Marc Botenga

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Regulation (EU) 2019/943
Article 2 – point 80c (new)

Text proposed by the Commission

Amendment

(80c) ‘Surplus profit’ means taxable profit.

Or. en

Justification

Definition corresponding to the cap of 3,5€ per MWh profit of electricity suppliers for their commercial activity.

Amendment 425
Morten Petersen, Claudia Gamon, Klemen Grošelj, Emma Wiesner, Susana Solís Pérez, Ivars Ijabs

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Regulation (EU) 2019/943
Article 2 – point 80d (new)

Text proposed by the Commission

Amendment

(80d) ‘distributed energy resource system’ means distributed renewable generation resources, including energy storage.

Or. en

Amendment 426
Michael Bloss

Proposal for a regulation
Article 1 – paragraph 1 – point 2 a (new)
Regulation (EU) 2019/943
Article 4

Present text

Amendment

Article 4 Just transition

1. The Commission shall support Member States that put in place a national strategy for the progressive reduction of existing coal and other solid fossil fuel generation and mining capacity through all available means to enable a just transition in regions affected by structural change. The Commission shall assist Member States in addressing the social and economic impacts of the *clean* energy transition. 2. The Commission shall work in close partnership with the stakeholders in coal and carbon-intensive regions, shall facilitate the access to and use of available funds and programmes, and shall encourage the exchange of good practices, including discussions on industrial roadmaps and reskilling needs.

"Article 4 Just transition

-1. As demonstrated by the energy crisis, Member States shall ensure access to affordable energy for all, fair markets and the right framework for a just transition. Member States shall implement EU energy and climate policies, together with policies, measures and funding allowing support to disadvantaged groups, undertakings and regions, in line with EU state aid rules. Member States shall put in place national strategies for the progressive reduction of existing coal and other solid fossil fuel generation and mining capacity, organise fair energy markets, including through the present regulation and with a dedicated framework for crisis times, and levy a solidarity contribution to enable a just transition.

1. The Commission shall support Member States that put in place a national strategy for the progressive reduction of existing

coal and other solid fossil fuel generation and mining capacity through all available means to enable a just transition in regions affected by structural change. The Commission shall assist Member States in addressing the social and economic impacts of the *renewable* energy transition.

2. The Commission shall work in close partnership with the stakeholders in coal and carbon-intensive regions, shall facilitate the access to and use of available funds and programmes, and shall encourage the exchange of good practices, including discussions on industrial roadmaps and reskilling needs.

2a (new). Member States shall put in place a solidary contribution. The solidarity contribution shall be collected from Union companies and permanent establishments with for profit activities in the energy sectors, including those that are part of a consolidated group merely for tax purposes, and shall be calculated on the taxable profits, as determined under national tax rules, which are above a 20 % increase of the average of the taxable profits, as determined under national tax rules, in the four fiscal years starting on or after 1 January 2018. If the average of the taxable profits in those four fiscal years is negative, the average taxable profits shall be zero for the purpose of calculating the solidarity contribution. The fiscal year is determined by reference to the rules in place under Member States' national laws.

2ab (new). The rate applicable for calculating the temporary solidarity contribution shall be at least 33 % of the base referred to in paragraph 2a (new). The solidarity contribution shall apply in addition to the regular taxes and levies applicable according to the national law of a Member State. The setting of the minimum rate shall ensure that the solidarity contribution is both fair and proportionate. Member States shall

remain free to apply a rate higher than 33 % for their solidarity contribution. This shall enable such Member States to set their preferred rate they deem acceptable and appropriate under their national legal systems."

(Paragraphs 1 and 2 remain unchanged, but one paragraph is inserted above original paragraph 1 and 2 paragraphs are inserted below original paragraph 2.)

Or. en

(Regulation (EU) 2019/943)

Justification

During the current cost of living crisis, we have seen dramatic increases in social inequalities. Whilst energy prices have been rising, so have the accounts of the corporations and hence the bank accounts of their shareholders. The fossil gas supply shortages has resulted in corporations benefitting from extraordinary or windfall profits. These profits are well in excess from what the companies had planned for, any extra costs they face and what they could productively invest. It is a matter of simple economic justice that they contribute to help those who are faced with precarity.

Amendment 427

Jerzy Buzek

Proposal for a regulation

Article 1 – paragraph 1 – point 2 a (new)

Regulation (EU) No 2019/943

Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2a) In the Article 3 new paragraph 3 is inserted:

(3 new) By [3 months of the date of entry into force of this Regulation] the Commission shall present a report that investigates the adequacy of the current electricity market rules in enhancing the competitiveness and facilitating progress towards electrification of sectors which are particularly exposed to international trade and rely heavily on electricity for their value creation. Based on its findings

and where appropriate, the European Commission shall put forward a legislative proposal introducing measures to support consumption of cost reflective renewable and low-carbon electricity in those sectors.

Or. en

Justification

Energy-intensive industries are in emergency mode since the onset of 2022 with production halts, curtailment of orders and production, suspension of assets, temporary layoff programs as reactions to extremely high electricity prices. Therefore, the European Commission should evaluate and report on the adequacy of the current market rules to support the European economy and of industries which rely heavily on electricity for their value creation and are particularly exposed to international trade, and at risk of relocation due to high energy costs, taking international competitiveness fully into account and to adopt measures, where appropriate, providing cost-competitive electricity prices accordingly.

Amendment 428

Marina Mesure, Marc Botenga

Proposal for a regulation

Article 1 – paragraph 1 – point 2 a (new)

Regulation (EU) 2019/943

Article 3 – point a

Present text

Amendment

(a) prices shall be formed on the basis of ***demand and supply***;

(2 a) Article 3 (a)

"(a) prices shall be formed on the basis of ***price equalization for all final electricity consumers***."

Or. en

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02019R0943-20220623>)

Justification

In order to enable equal access to this essential good, electricity paid by consumers shall be the same everywhere on the territory of the Member State.

Amendment 429

Marina Mesure, Marc Botenga

Proposal for a regulation
Article 1 – paragraph 1 – point 2 b (new)
Regulation (EU) 2019/943
Article 3 – point b

Present text

(b) market rules shall encourage free price formation and shall avoid actions which prevent price formation on the basis of demand and supply;

Amendment

(2 b) Article 3

"(b) when price formation allows high levels of profits and prevent universal access to an affordable and renewable energy, Member States shall take measures to ensure that undue profits are limited and electricity paid by consumers is affordable;"

Or. en

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02019R0943-20220623>

Justification

Electricity is an essential good and an increase of the price of electricity adversely affects the whole economy and has dramatic social consequences.

Amendment 430
Marina Mesure, Marc Botenga

Proposal for a regulation
Article 1 – paragraph 1 – point 2 c (new)
Regulation (EU) 2019/943
Article 3 – point r and s (new)

Present text

New point (r)

Amendment

(2 c) Article 3, new points (r) and (s) are introduced as follows:

"New point (r) and (s):

(r) Market rules implementation shall not entail limitation to the universal access to electricity;

(s) Market rules shall set a pricing system that is based on the real average cost of electricity and not on a marginalist price system."

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02019R0943-20220623>)

Justification

Universal access to electricity, as an essential good, shall always prevail over market considerations.

Amendment 431

Paolo Borchia, Isabella Tovaglieri, Matteo Adinolfi

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point a

Regulation (EU) 2019/943

Article 7 – paragraph 1

Text proposed by the Commission

1. Transmission system operators and NEMOs, ***or an entity designated by them***, shall jointly organise the management of the integrated day-ahead and intraday markets in accordance with Regulation (EU) 2015/1222. Transmission system operators and NEMOs shall cooperate at Union level or, where more appropriate, at a regional level in order to maximise the efficiency and effectiveness of Union electricity day-ahead and intraday trading. The obligation to cooperate shall be without prejudice to the application of Union competition law. In their functions relating to electricity trading, transmission system operators and NEMOs shall be subject to regulatory oversight by the regulatory authorities pursuant to Article 59 of Directive (EU) 2019/944 and ACER pursuant to Articles 4 and 8 of Regulation (EU) 2019/942.

Amendment

1. Transmission system operators and NEMOs shall jointly organise the management of the integrated day-ahead and intraday markets in accordance with Regulation (EU) 2015/1222. Transmission system operators and NEMOs shall cooperate at Union level or, where more appropriate, at a regional level in order to maximise the efficiency and effectiveness of Union electricity day-ahead and intraday trading. The obligation to cooperate shall be without prejudice to the application of Union competition law. In their functions relating to electricity trading, transmission system operators and NEMOs shall be subject to regulatory oversight by the regulatory authorities pursuant to Article 59 of Directive (EU) 2019/944 and ACER pursuant to Articles 4 and 8 of Regulation (EU) 2019/942.

Amendment 432

Maria da Graça Carvalho, Massimiliano Salini, Lara Comi, Seán Kelly, Christian Ehler, Pernille Weiss, Aldo Patriciello, Angelika Winzig

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point a

Regulation (EU) 2019/943

Article 7 – paragraph 1

Text proposed by the Commission

1. Transmission system operators and NEMOs, **or an entity designated by them**, shall jointly organise the management of the integrated day-ahead and intraday markets in accordance with Regulation (EU) 2015/1222. Transmission system operators and NEMOs shall cooperate at Union level or, where more appropriate, at a regional level in order to maximise the efficiency and effectiveness of Union electricity day-ahead and intraday trading. The obligation to cooperate shall be without prejudice to the application of Union competition law. In their functions relating to electricity trading, transmission system operators and NEMOs shall be subject to regulatory oversight by the regulatory authorities pursuant to Article 59 of Directive (EU) 2019/944 and ACER pursuant to Articles 4 and 8 of Regulation (EU) 2019/942.

Amendment

1. Transmission system operators and NEMOs shall jointly organise the management of the integrated day-ahead and intraday markets in accordance with Regulation (EU) 2015/1222. Transmission system operators and NEMOs shall cooperate at Union level or, where more appropriate, at a regional level in order to maximise the efficiency and effectiveness of Union electricity day-ahead and intraday trading. The obligation to cooperate shall be without prejudice to the application of Union competition law. In their functions relating to electricity trading, transmission system operators and NEMOs shall be subject to regulatory oversight by the regulatory authorities pursuant to Article 59 of Directive (EU) 2019/944 and ACER pursuant to Articles 4 and 8 of Regulation (EU) 2019/942.

Or. en

Amendment 433

András Gyürk, Ernő Schaller-Baross

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point a

Regulation (EU) 2019/943

Article 7 – paragraph 1

Text proposed by the Commission

1. Transmission system operators and NEMOs, **or an entity designated by them**, shall jointly organise the management of the integrated day-ahead and intraday markets in accordance with Regulation (EU) 2015/1222. Transmission system operators and NEMOs shall cooperate at

Amendment

1. Transmission system operators and NEMOs shall jointly organise the management of the integrated day-ahead and intraday markets in accordance with Regulation (EU) 2015/1222. Transmission system operators and NEMOs shall cooperate at Union level or, where more

Union level or, where more appropriate, at a regional level in order to maximise the efficiency and effectiveness of Union electricity day-ahead and intraday trading. The obligation to cooperate shall be without prejudice to the application of Union competition law. In their functions relating to electricity trading, transmission system operators and NEMOs shall be subject to regulatory oversight by the regulatory authorities pursuant to Article 59 of Directive (EU) 2019/944 and ACER pursuant to Articles 4 and 8 of Regulation (EU) 2019/942.

appropriate, at a regional level in order to maximise the efficiency and effectiveness of Union electricity day-ahead and intraday trading. The obligation to cooperate shall be without prejudice to the application of Union competition law. In their functions relating to electricity trading, transmission system operators and NEMOs shall be subject to regulatory oversight by the regulatory authorities pursuant to Article 59 of Directive (EU) 2019/944 and ACER pursuant to Articles 4 and 8 of Regulation (EU) 2019/942.

Or. en

Justification

The creation of a single legal entity can be neither justified nor supported, since the operations of the day-ahead and intraday markets have proven to be efficient and reliable during the last crisis period. The draft introduces the possibility at the level of a mention, without addressing who and how should decide on the actual implementation. The creation of a legal entity would be a lengthy and costly exercise, jeopardising ongoing market development efforts and legislative tasks. No detailed impact assessment or cost-benefit analysis has been carried out.

Amendment 434

Nicola Danti

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point a

Regulation 2019/943

Article 7 – paragraph 1

Text proposed by the Commission

1. Transmission system operators and NEMOs, ***or an entity designated by them,*** shall jointly organise the management of the integrated day-ahead and intraday markets in accordance with Regulation (EU) 2015/1222. Transmission system operators and NEMOs shall cooperate at Union level or, where more appropriate, at a regional level in order to maximise the efficiency and effectiveness of Union electricity day-ahead and intraday trading.

Amendment

1. Transmission system operators and NEMOs shall jointly organise the management of the integrated day-ahead and intraday markets in accordance with Regulation (EU) 2015/1222. Transmission system operators and NEMOs shall cooperate at Union level or, where more appropriate, at a regional level in order to maximise the efficiency and effectiveness of Union electricity day-ahead and intraday trading. The obligation to cooperate shall

The obligation to cooperate shall be without prejudice to the application of Union competition law. In their functions relating to electricity trading, transmission system operators and NEMOs shall be subject to regulatory oversight by the regulatory authorities pursuant to Article 59 of Directive (EU) 2019/944 and ACER pursuant to Articles 4 and 8 of Regulation (EU) 2019/942.

be without prejudice to the application of Union competition law. In their functions relating to electricity trading, transmission system operators and NEMOs shall be subject to regulatory oversight by the regulatory authorities pursuant to Article 59 of Directive (EU) 2019/944 and ACER pursuant to Articles 4 and 8 of Regulation (EU) 2019/942.

Or. en

Amendment 435
Pietro Fiocchi

Proposal for a regulation
Article 1 – paragraph 1 – point 3 – point a
Regulation (EU) 2019/943
Article 7 – paragraph 1

Text proposed by the Commission

1. Transmission system operators and NEMOs, ***or an entity designated by them***, shall jointly organise the management of the integrated day-ahead and intraday markets in accordance with Regulation (EU) 2015/1222. Transmission system operators and NEMOs shall cooperate at Union level or, where more appropriate, at a regional level in order to maximise the efficiency and effectiveness of Union electricity day-ahead and intraday trading. The obligation to cooperate shall be without prejudice to the application of Union competition law. In their functions relating to electricity trading, transmission system operators and NEMOs shall be subject to regulatory oversight by the regulatory authorities pursuant to Article 59 of Directive (EU) 2019/944 and ACER pursuant to Articles 4 and 8 of Regulation (EU) 2019/942.

Amendment

1. Transmission system operators and NEMOs, shall jointly organise the management of the integrated day-ahead and intraday markets in accordance with Regulation (EU) 2015/1222. Transmission system operators and NEMOs shall cooperate at Union level or, where more appropriate, at a regional level in order to maximise the efficiency and effectiveness of Union electricity day-ahead and intraday trading. The obligation to cooperate shall be without prejudice to the application of Union competition law. In their functions relating to electricity trading, transmission system operators and NEMOs shall be subject to regulatory oversight by the regulatory authorities pursuant to Article 59 of Directive (EU) 2019/944 and ACER pursuant to Articles 4 and 8 of Regulation (EU) 2019/942.

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

(Article 1 - paragraph 3 a)

Amendment 436

Marina Mesure, Marc Botenga

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point b – point ii a (new)

Regulation (EU) 2019/943

Article 7 – paragraph 2 – point d

Present text

Amendment

(d) provide prices that reflect *market fundamentals, including the real time value of energy, on which market participants are able to rely when agreeing on longer-term hedging products;*

(ii a) Article 7, paragraph 2, (d)

"(d) provide prices that reflect *costs of production, amortization and environmental impact of electricity generation;*"

Or. en

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02019R0943-20220623>)

Justification

Electricity price setting should correspond to the real economic and environmental cost of electricity generation.

Amendment 437

Zdzisław Krasnodębski

on behalf of the ECR Group

Izabela-Helena Kloc, Elżbieta Kruk

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation (EU) 2019/943

Article 7a

Text proposed by the Commission

Amendment

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Or. en

Justification

TSOs already have mechanisms available for balancing power systems. There is no advantage to introducing new mechanism. On the contrary, this product-specific market risks draining demand from day-ahead and balancing markets.

Amendment 438

Morten Petersen, Claudia Gamon, Klemen Grošelj, Andreas Glück, Ivars Ijabs

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation (EU) 2019/943

Article 7a

Text proposed by the Commission

Amendment

Article 7a

deleted

Or. en

Amendment 439

Paolo Borchia, Isabella Tovaglieri, Matteo Adinolfi

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation (EU) 2019/943

Article 7a

Text proposed by the Commission

Amendment

Article 7a

deleted

Or. en

Amendment 440

Marina Mesure, Marc Botenga

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Regulation (EU) 2019/943
Article 7a

Text proposed by the Commission

Amendment

Article 7a

deleted

Or. en

Justification

Peak shaving should not be market-based as it will induce increasing cost for TSOs and final consumers.

Amendment 441
Morten Petersen, Claudia Gamon, Andreas Glück, Ivars Ijabs

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Regulation (EU) 2019/943
Article 7a

Text proposed by the Commission

Amendment

Peak shaving product

deleted

Or. en

Amendment 442
Massimiliano Salini, Lara Comi, Aldo Patriciello, Salvatore De Meo

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Regulation (EU) 2019/943
Article 7a

Text proposed by the Commission

Amendment

Peak shaving product

deleted

Or. en

Amendment 443
Paolo Borchia, Isabella Tovaglieri, Matteo Adinolfi

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Regulation (EU) 2019/943
Article 7a

Text proposed by the Commission

Amendment

Peak shaving product

deleted

Or. en

Justification

The peak-shaving product being proposed is a very specific and would be used in a new market segment. Such a product risks draining demand from existing markets to the detriment of price signals and liquidity. In this context we stress the importance of adopting a technology neutral approach whereby all technologies can contribute by competing in the same market without impacting wholesale markets.

Amendment 444
Marina Mesure, Marc Botenga

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Regulation (EU) 2019/943
Article 7a

Text proposed by the Commission

Amendment

Peak shaving product

deleted

Or. en

Amendment 445
Pietro Fiocchi

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Regulation (EU) 2019/943
Article 7a

Text proposed by the Commission

Amendment

1. Without prejudice to Article 40(5) and 40(6) of the Electricity Directive, transmission system operators may procure peak shaving products in order to achieve a reduction of electricity demand during peak hours. *deleted*

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. en

(Article 1 (4) : new Article 7a)

Justification

Such a product-specific market risks draining demand (and hence reducing the liquidity) from existing flexibility markets (spot and balancing). The potential effects of this dynamic should be properly assessed, especially with regard to the impact on price formation of the wholesale and balancing markets. In this context we stress the importance of preserving the relevance of price signals in existing markets while adopting an approach whereby all technologies can contribute by competing in the same market.

Amendment 446

Morten Petersen, Claudia Gamon, Andreas Glück, Ivars Ijabs

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation (EU) 2019/943

Article 7a, paragraph 1

Text proposed by the Commission

Amendment

1. Without prejudice to Article 40(5) and 40(6) of the Electricity Directive, transmission system operators may procure peak shaving products in order to achieve a reduction of electricity demand during peak hours. *deleted*

Or. en

Amendment 447

Paolo Borchia, Isabella Tovaglieri, Matteo Adinolfi

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation 2019/943

Article 1(4)

Text proposed by the Commission

Amendment

1. Without prejudice to Article 40(5) and 40(6) of the Electricity Directive, transmission system operators may procure peak shaving products in order to achieve a reduction of electricity demand during peak hours. *deleted*

Or. en

Amendment 448

Marina Mesure, Marc Botenga

Proposal for a regulation

Article 1 – paragraph 1 – point 4

REGULATION (EU) 2019/943

Article 7a new

Text proposed by the Commission

Amendment

1. Without prejudice to Article 40(5) and 40(6) of the Electricity Directive, transmission system operators may procure peak shaving products in order to achieve a reduction of electricity demand during peak hours. *deleted*

Or. en

Amendment 449

Maria da Graça Carvalho, Pilar del Castillo Vera, Massimiliano Salini, Lara Comi, Seán Kelly, Angelika Niebler, Henna Virkkunen, Christian Ehler, Pernille Weiss, Aldo Patriciello, Angelika Winzig

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation (EU) 2019/943

Article 7a, paragraph 1

Text proposed by the Commission

Amendment

1. *Without prejudice to Article 40(5) and 40(6) of the Electricity Directive, transmission system operators may procure peak shaving products in order to achieve a reduction of electricity demand during peak hours.*

1. *By 31 December 2024, the Commission, in cooperation with ENTSO for Electricity, the EU DSO Entity and ACER, shall perform an assessment about the possibility for system operators to procure peak shaving products in order to achieve a reduction of electricity demand during peak hours, analysing at least, but not limited to, that their activation does not negatively affect the functioning of the electricity market, and in particular the intraday and balancing markets and over-the-counter trading. The assessment shall take into consideration specific national developments at and consider the possibility of procuring these products under normal circumstances and during an electricity price crisis situation, declared in accordance with Article 66a.*

Or. en

Amendment 450

Henna Virkkunen, Tomas Tobé, Sara Skyttedal

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation (EU) 2019/943

Article 7a, paragraph 1

Text proposed by the Commission

1. Without prejudice to Article 40(5) and 40(6) of the Electricity Directive, transmission system operators may procure peak shaving products in order to achieve a reduction of electricity demand during peak hours.

Amendment

1. Without prejudice to Article 40(5) and *and when an energy crisis situation is declared in accordance with the article 66a* 40(6) of the Electricity Directive, transmission system operators may procure peak shaving products in order to achieve a reduction of electricity demand during peak hours.

Or. en

Amendment 451

Michael Bloss

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Article 7a – 1
Electricity Regulation

Text proposed by the Commission

1. Without prejudice to Article 40(5) and 40(6) of the Electricity Directive, transmission system operators may procure peak shaving products in order to achieve a reduction of electricity demand during peak hours.

Amendment

1. Without prejudice to Article 40(5) and 40(6) of the Electricity Directive, transmission **or distribution** system operators may procure peak shaving products in order to achieve a reduction of electricity demand during peak hours **without harming the functioning of spot and balancing markets.**

Or. en

Amendment 452
Miapetra Kumpula-Natri, Erik Bergkvist, Niels Fuglsang

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June
Article 7a

Text proposed by the Commission

1. Without prejudice to Article 40(5) and 40(6) of the Electricity Directive, transmission system operators may procure peak shaving products in order to achieve a reduction of electricity demand during peak hours.

Amendment

1. Without prejudice to Article 40(5) and 40(6), **and when the energy crisis is declared in accordance with the article 66a** of the Electricity Directive, transmission system operators may procure peak shaving products in order to achieve a reduction of electricity demand during peak hours.

Or. en

Justification

Peak shaving refers to the reduction of demand in peak hours, whether by reducing overall demand or by shifting it to other hours. This is a wider concept that can be used for the purpose of congestion management, balancing, or just market-based reaction to signals (whether is price levels or spreads) depending on the types of products contracted to market parties. Furthermore, leaving such a demand response product only with the TSOs will force market participants to choose where they will sell their demand (since they may only sell it

once). This could reduce a significant portion of the limited liquidity in the existing flexibility markets (be it wholesale markets or DSO flexibility markets, which are not mentioned at all in the proposal). It is also worthwhile to mention that further assessment should be done regarding the potential effect or distortion in the dynamics of price formation in both spot and balancing markets, considering this is contracted ahead of day-ahead and activated within the intraday timeframe.

Amendment 453

Pernille Weiss

Proposal for a regulation

Article 1 – paragraph 1 – point 4

(COM(2023)0148 – C9–0049/2023 – 2023/0077(COD))

Article 7a (1)

Text proposed by the Commission

1. Without prejudice to Article 40(5) and 40(6) of the Electricity Directive, transmission system operators may procure peak shaving products in order to achieve a reduction of electricity demand during peak hours.

Amendment

1. Without prejudice to Article 40(5) and 40(6) of the Electricity Directive, transmission system operators may procure peak shaving products in order to achieve a reduction of electricity demand during peak hours ***without compromising the functioning of balancing markets.***

Or. en

Amendment 454

Susana Solís Pérez

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation (EU) 2019/943

Article 7a – paragraph 1

Text proposed by the Commission

1. Without prejudice to Article 40(5) and 40(6) of the Electricity Directive, transmission system operators may procure peak shaving products in order to achieve a reduction of electricity demand during peak hours.

Amendment

1. Without prejudice to Article 40(5) and 40(6) of the Electricity Directive, transmission system operators ***or the distribution system operator where applicable*** may procure peak shaving products in order to achieve a reduction of electricity demand during peak hours.

Or. en

Amendment 455

Pietro Fiocchi

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Article 1 (4): new Article 7a

Article 1 (4): new Article 7a

Text proposed by the Commission

Amendment

2. Transmission system operators seeking to procure a peak shaving product shall submit a proposal setting out the dimensioning and conditions for the procurement of the peak shaving product to the regulatory authority of the Member State concerned. The proposal of the transmission system operator shall comply with the following requirements:

deleted

(a) the dimensioning of the peak shaving product shall be based on an analysis of the need for an additional service to ensure security of supply. The analysis shall take into account a reliability standard or objective and transparent grid stability criteria approved by the regulatory authority. The dimensioning shall take into account the forecast of demand, the forecast of electricity generated from renewable energy sources and the forecast of other sources of flexibility in the system. The dimensioning of the peak shaving product shall be limited to ensure that the expected benefits of the product do not exceed the forecasted costs;

(b) the procurement of a peak shaving product shall be based on objective, transparent, non-discriminatory criteria and be limited to demand response;

(c) the procurement of the peak shaving product shall take place using a competitive bidding process, with selection based on the lowest cost of meeting pre-defined technical and environmental criteria;

(d) contracts for a peak shaving product shall not be concluded more than two days before its activation and the contracting period shall be no longer than one day;

(e) the activation of the peak shaving product shall not reduce cross-zonal capacity;

(f) the activation of the peak shaving product shall take place after the closure of the day-ahead market and before the start of the balancing market;

(g) the peak shaving product shall not imply starting generation located behind the metering point.

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. en

(Article 1 (4): new Article 7a)

Justification

Such a product-specific market risks draining demand (and hence reducing the liquidity) from existing flexibility markets (spot and balancing). The potential effects of this dynamic should be properly assessed, especially with regard to the impact on price formation of the wholesale and balancing markets. In this context we stress the importance of preserving the relevance of price signals in existing markets while adopting an approach whereby all technologies can contribute by competing in the same market.

Amendment 456

Maria da Graça Carvalho, Massimiliano Salini, Lara Comi, Seán Kelly, Angelika Niebler, Henna Virkkunen, Christian Ehler, Pernille Weiss, Aldo Patriciello, Angelika Winzig

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation (EU) 2019/943

Article 7a, paragraph 2

Text proposed by the Commission

Amendment

2. Transmission system operators seeking to procure a peak shaving product shall submit a proposal setting out the *deleted*

dimensioning and conditions for the procurement of the peak shaving product to the regulatory authority of the Member State concerned. The proposal of the transmission system operator shall comply with the following requirements:

(a) the dimensioning of the peak shaving product shall be based on an analysis of the need for an additional service to ensure security of supply. The analysis shall take into account a reliability standard or objective and transparent grid stability criteria approved by the regulatory authority. The dimensioning shall take into account the forecast of demand, the forecast of electricity generated from renewable energy sources and the forecast of other sources of flexibility in the system. The dimensioning of the peak shaving product shall be limited to ensure that the expected benefits of the product do not exceed the forecasted costs;

(b) the procurement of a peak shaving product shall be based on objective, transparent, non-discriminatory criteria and be limited to demand response;

(c) the procurement of the peak shaving product shall take place using a competitive bidding process, with selection based on the lowest cost of meeting pre-defined technical and environmental criteria;

(d) contracts for a peak shaving product shall not be concluded more than two days before its activation and the contracting period shall be no longer than one day;

(e) the activation of the peak shaving product shall not reduce cross-zonal capacity;

(f) the activation of the peak shaving product shall take place after the closure of the day-ahead market and before the start of the balancing market;

(g) the peak shaving product shall not imply starting generation located behind

the metering point.

Or. en

Amendment 457

Marina Mesure, Marc Botenga

Proposal for a regulation

Article 1 – paragraph 1 – point 4

REGULATION (EU) 2019/943

Article 7a new

Text proposed by the Commission

Amendment

2. Transmission system operators **deleted**

seeking to procure a peak shaving product shall submit a proposal setting out the dimensioning and conditions for the procurement of the peak shaving product to the regulatory authority of the Member State concerned. The proposal of the transmission system operator shall comply with the following requirements:

(a) the dimensioning of the peak shaving product shall be based on an analysis of the need for an additional service to ensure security of supply. The analysis shall take into account a reliability standard or objective and transparent grid stability criteria approved by the regulatory authority. The dimensioning shall take into account the forecast of demand, the forecast of electricity generated from renewable energy sources and the forecast of other sources of flexibility in the system. The dimensioning of the peak shaving product shall be limited to ensure that the expected benefits of the product do not exceed the forecasted costs;

(b) the procurement of a peak shaving product shall be based on objective, transparent, non-discriminatory criteria and be limited to demand response;

(c) the procurement of the peak shaving product shall take place using a competitive bidding process, with selection

based on the lowest cost of meeting pre-defined technical and environmental criteria;

(d) contracts for a peak shaving product shall not be concluded more than two days before its activation and the contracting period shall be no longer than one day;

(e) the activation of the peak shaving product shall not reduce cross-zonal capacity;

(f) the activation of the peak shaving product shall take place after the closure of the day-ahead market and before the start of the balancing market;

(g) the peak shaving product shall not imply starting generation located behind the metering point.

Or. en

Amendment 458

Paolo Borchia, Isabella Tovaglieri, Matteo Adinolfi

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation 2019/943

Article 1(4)

Text proposed by the Commission

Amendment

2. Transmission system operators seeking to procure a peak shaving product shall submit a proposal setting out the dimensioning and conditions for the procurement of the peak shaving product to the regulatory authority of the Member State concerned. The proposal of the transmission system operator shall comply with the following requirements:

deleted

(a) the dimensioning of the peak shaving product shall be based on an analysis of the need for an additional service to ensure security of supply. The analysis shall take into account a reliability standard or objective and transparent grid

stability criteria approved by the regulatory authority. The dimensioning shall take into account the forecast of demand, the forecast of electricity generated from renewable energy sources and the forecast of other sources of flexibility in the system. The dimensioning of the peak shaving product shall be limited to ensure that the expected benefits of the product do not exceed the forecasted costs;

(b) the procurement of a peak shaving product shall be based on objective, transparent, non-discriminatory criteria and be limited to demand response;

(c) the procurement of the peak shaving product shall take place using a competitive bidding process, with selection based on the lowest cost of meeting pre-defined technical and environmental criteria;

(d) contracts for a peak shaving product shall not be concluded more than two days before its activation and the contracting period shall be no longer than one day;

(e) the activation of the peak shaving product shall not reduce cross-zonal capacity;

(f) the activation of the peak shaving product shall take place after the closure of the day-ahead market and before the start of the balancing market;

(g) the peak shaving product shall not imply starting generation located behind the metering point.

Or. en

Amendment 459

Morten Petersen, Claudia Gamon, Andreas Glück, Ivars Ijabs

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation (EU) 2019/943

2. Transmission system operators seeking to procure a peak shaving product shall submit a proposal setting out the dimensioning and conditions for the procurement of the peak shaving product to the regulatory authority of the Member State concerned. The proposal of the transmission system operator shall comply with the following requirements:

deleted

(a) the dimensioning of the peak shaving product shall be based on an analysis of the need for an additional service to ensure security of supply. The analysis shall take into account a reliability standard or objective and transparent grid stability criteria approved by the regulatory authority. The dimensioning shall take into account the forecast of demand, the forecast of electricity generated from renewable energy sources and the forecast of other sources of flexibility in the system. The dimensioning of the peak shaving product shall be limited to ensure that the expected benefits of the product do not exceed the forecasted costs;

(b) the procurement of a peak shaving product shall be based on objective, transparent, non-discriminatory criteria and be limited to demand response;

(c) the procurement of the peak shaving product shall take place using a competitive bidding process, with selection based on the lowest cost of meeting pre-defined technical and environmental criteria;

(d) contracts for a peak shaving product shall not be concluded more than two days before its activation and the contracting period shall be no longer than one day;

(e) the activation of the peak shaving product shall not reduce cross-zonal

capacity;

(f) the activation of the peak shaving product shall take place after the closure of the day-ahead market and before the start of the balancing market;

(g) the peak shaving product shall not imply starting generation located behind the metering point.

Or. en

Amendment 460
Susana Solís Pérez

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Regulation (EU) 2019/943
Article 7a – paragraph 2

Text proposed by the Commission

2. Transmission system operators seeking to procure a peak shaving product shall submit a proposal setting out the dimensioning and conditions for the procurement of the peak shaving product to the regulatory authority of the Member State concerned. The proposal of the transmission system operator shall comply with the following requirements:

Amendment

2. Transmission system operators *or distribution system operator* seeking *where applicable* to procure a peak shaving product shall submit a proposal setting out the dimensioning and conditions for the procurement of the peak shaving product to the regulatory authority of the Member State concerned. The proposal of the transmission system operator *or distribution system operator where applicable* shall comply with the following requirements:

Or. en

Amendment 461
Michael Bloss

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Article 7a – 2
Electricity Regulation

Text proposed by the Commission

2. Transmission system operators seeking to procure a peak shaving product shall submit a proposal setting out the dimensioning and conditions for the procurement of the peak shaving product to the regulatory authority of the Member State concerned. The proposal of the transmission system operator shall comply with the following requirements:

Amendment

2. Transmission ***or distribution*** system operators seeking to procure a peak shaving product shall submit a proposal setting out the dimensioning and conditions for the procurement ***or activation*** of the peak shaving product to the regulatory authority of the Member State concerned. The proposal of the transmission ***or distribution*** system operator shall comply with the following requirements:

Or. en

Amendment 462

Marina Mesure, Marc Botenga

Proposal for a regulation

Article 1 – paragraph 1 – point 4

REGULATION (EU) 2019/943

Article 7a new

Text proposed by the Commission

(a) the dimensioning of the peak shaving product shall be based on an analysis of the need for an additional service to ensure security of supply. The analysis shall take into account a reliability standard or objective and transparent grid stability criteria approved by the regulatory authority. The dimensioning shall take into account the forecast of demand, the forecast of electricity generated from renewable energy sources and the forecast of other sources of flexibility in the system. The dimensioning of the peak shaving product shall be limited to ensure that the expected benefits of the product do not exceed the forecasted costs;

Amendment

deleted

Or. en

Amendment 463

Paolo Borchia, Isabella Tovaglieri, Matteo Adinolfi

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation 2019/943

Article 1(4)

Text proposed by the Commission

Amendment

(a) the dimensioning of the peak shaving product shall be based on an analysis of the need for an additional service to ensure security of supply. The analysis shall take into account a reliability standard or objective and transparent grid stability criteria approved by the regulatory authority. The dimensioning shall take into account the forecast of demand, the forecast of electricity generated from renewable energy sources and the forecast of other sources of flexibility in the system. The dimensioning of the peak shaving product shall be limited to ensure that the expected benefits of the product do not exceed the forecasted costs;

deleted

Or. en

Amendment 464

Michael Bloss

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Article 7a – 2a

Electricity Regulation

Text proposed by the Commission

Amendment

(a) the dimensioning of the peak shaving product shall be based on an analysis of the need for an additional service to ensure security of supply. The analysis shall take into account a reliability standard or objective and transparent grid stability criteria approved by the regulatory authority. The dimensioning shall take into account the forecast of demand, the

(a) the dimensioning of the peak shaving product shall be based on an analysis of the need for an additional service to ensure security of supply. The analysis shall take into account **the market impact of the peak shaving products**, a reliability standard or objective, **as applicable**, and transparent grid stability criteria approved by the regulatory

forecast of electricity generated from renewable energy sources and the forecast of other sources of flexibility in the system. The dimensioning of the peak shaving product shall be limited to ensure that the expected benefits of the product do not *exceed the forecasted costs*;

authority. The dimensioning shall take into account the forecast of demand, the forecast of electricity generated from renewable energy sources and the forecast of other sources of flexibility in the system. The dimensioning of the peak shaving product shall be limited to ensure that the *forecasted costs do not exceed the* expected benefits of the product *and* do not *increase the greenhouse gas emissions of the energy system at the moment of its activation*;

Or. en

Amendment 465

András Gyürk, Ernő Schaller-Baross

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation (EU) 2019/943

Article 7a – paragraph 2 – point a

Text proposed by the Commission

(a) the dimensioning of the peak shaving product shall be based on an analysis of the need for an additional service to ensure security of supply. The analysis shall take into account *a reliability standard or* objective and transparent grid stability criteria approved by the regulatory authority. The dimensioning shall take into account the forecast of demand, the forecast of electricity generated from renewable energy sources and the forecast of other sources of flexibility in the system. The dimensioning of the peak shaving product shall be limited to ensure that the expected benefits of the product *do not exceed the forecasted costs*;

Amendment

(a) the dimensioning of the peak shaving product shall be based on an analysis of the need for an additional service to ensure security of supply. The analysis shall take into account *the expected costs and benefits, as well as* objective and transparent grid stability criteria approved by the regulatory authority. The dimensioning shall take into account the forecast of demand, the forecast of electricity generated from renewable energy sources and the forecast of other sources of flexibility in the system. The dimensioning of the peak shaving product shall be limited to ensure that the *forecasted costs do not exceed the* expected benefits of the product;

Or. en

Amendment 466

Miapetra Kumpula-Natri, Erik Bergkvist, Niels Fuglsang

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June
Article 7a

Text proposed by the Commission

Amendment

(aa) The procurement of the peak shaving product shall avoid any impact on the day-ahead, intraday or balancing market.

Or. en

Justification

Peak shaving refers to the reduction of demand in peak hours, whether by reducing overall demand or by shifting it to other hours. This is a wider concept that can be used for the purpose of congestion management, balancing, or just market-based reaction to signals (whether is price levels or spreads) depending on the types of products contracted to market parties. Furthermore, leaving such a demand response product only with the TSOs will force market participants to choose where they will sell their demand (since they may only sell it once). This could reduce a significant portion of the limited liquidity in the existing flexibility markets (be it wholesale markets or DSO flexibility markets, which are not mentioned at all in the proposal). It is also worthwhile to mention that further assessment should be done regarding the potential effect or distortion in the dynamics of price formation in both spot and balancing markets, considering this is contracted ahead of day-ahead and activated within the intraday timeframe.

Amendment 467

Paolo Borchia, Isabella Tovaglieri, Matteo Adinolfi

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation 2019/943

Article 1(4)

Text proposed by the Commission

Amendment

(b) the procurement of a peak shaving product shall be based on objective, transparent, non-discriminatory criteria and be limited to demand response; **deleted**

Or. en

Amendment 468
Marina Mesure, Marc Botenga

Proposal for a regulation
Article 1 – paragraph 1 – point 4
REGULATION (EU) 2019/943
Article 7a new

Text proposed by the Commission

Amendment

(b) the procurement of a peak shaving product shall be based on objective, transparent, non-discriminatory criteria and be limited to demand response; **deleted**

Or. en

Amendment 469
Pernille Weiss

Proposal for a regulation
Article 1 – paragraph 1 – point 4
(COM(2023)0148 – C9–0049/2023 – 2023/0077(COD))
Article 7a (2)(b)

Text proposed by the Commission

Amendment

(b) the procurement of a peak shaving product shall be based on objective, transparent, non-discriminatory criteria and be *limited* to demand response;

(b) the procurement of a peak shaving product shall be based on objective, transparent, non-discriminatory criteria and be *accessible* to demand response *and all forms of energy storage capable of shaving peaks*;

Or. en

Amendment 470
Michael Bloss

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Article 7a– 2b
Electricity Regulation

Text proposed by the Commission

Amendment

(b) the procurement of a peak shaving product shall be based on objective, transparent, non-discriminatory criteria **and be limited to demand response**;

(b) the procurement of a peak shaving product shall be based on objective, transparent, non-discriminatory, **market-based** criteria. **It shall not exclude participating assets from accessing other markets**;

Or. en

Amendment 471

Marina Mesure, Marc Botenga

Proposal for a regulation

Article 1 – paragraph 1 – point 4

REGULATION (EU) 2019/943

Article 7a new

Text proposed by the Commission

Amendment

(c) **the procurement of the peak shaving product shall take place using a competitive bidding process, with selection based on the lowest cost of meeting pre-defined technical and environmental criteria**;

deleted

Or. en

Amendment 472

Paolo Borchia, Isabella Tovaglieri, Matteo Adinolfi

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation 2019/943

Article 1(4)

Text proposed by the Commission

Amendment

(c) **the procurement of the peak shaving product shall take place using a competitive bidding process, with selection based on the lowest cost of meeting pre-defined technical and environmental criteria**;

deleted

Amendment 473

Michael Bloss

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Article 7a –2ca

Electricity Regulation

Text proposed by the Commission

Amendment

(ca) the minimum bid size shall be 100 kW including through aggregation;

Or. en

Amendment 474

Marina Mesure, Marc Botenga

Proposal for a regulation

Article 1 – paragraph 1 – point 4

REGULATION (EU) 2019/943

Article 7a new

Text proposed by the Commission

Amendment

(d) contracts for a peak shaving product shall not be concluded more than two days before its activation and the contracting period shall be no longer than one day;

deleted

Or. en

Amendment 475

Paolo Borchia, Isabella Tovaglieri, Matteo Adinolfi

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation 2019/943

Article 1(4)

Text proposed by the Commission

Amendment

(d) contracts for a peak shaving product shall not be concluded more than two days before its activation and the contracting period shall be no longer than one day;

deleted

Or. en

Amendment 476
Michael Bloss

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Article 7a – 2d
Electricity Regulation

Text proposed by the Commission

Amendment

(d) contracts for a peak shaving product shall **not** be concluded **more than two days before its** activation and the contracting period shall be no longer than one day;

(d) contracts for a peak shaving product shall be concluded **as close as possible to** activation and the contracting period shall be no longer than one day **in order to avoid diluting price signals.**

Or. en

Amendment 477
Marina Measure, Marc Botenga

Proposal for a regulation
Article 1 – paragraph 1 – point 4
REGULATION (EU) 2019/943
Article 7a new

Text proposed by the Commission

Amendment

(e) the activation of the peak shaving product shall not reduce cross-zonal capacity;

deleted

Or. en

Amendment 478
Paolo Borchia, Isabella Tovaglieri, Matteo Adinolfi

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Regulation 2019/943
Article 1(4)

Text proposed by the Commission

Amendment

(e) the activation of the peak shaving product shall not reduce cross-zonal capacity; **deleted**

Or. en

Amendment 479
Paolo Borchia, Isabella Tovaglieri, Matteo Adinolfi

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Regulation 2019/943
Article 1(4)

Text proposed by the Commission

Amendment

(f) the activation of the peak shaving product shall take place after the closure of the day-ahead market and before the start of the balancing market; **deleted**

Or. en

Amendment 480
Marina Mesure, Marc Botenga

Proposal for a regulation
Article 1 – paragraph 1 – point 4
REGULATION (EU) 2019/943
Article 7a new

Text proposed by the Commission

Amendment

(f) the activation of the peak shaving product shall take place after the closure of the day-ahead market and before the start of the balancing market; **deleted**

Amendment 481

András Gyürk, Ernő Schaller-Baross

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation (EU) 2019/943

Article 7a – paragraph 2 – point f

Text proposed by the Commission

(f) the activation of the peak shaving product shall take place ***after the closure of the day-ahead market and before the start of the balancing market;***

Amendment

(f) the activation of the peak shaving product shall take place ***before or within the*** the day-ahead market;

Or. en

Amendment 482

Marina Mesure, Marc Botenga

Proposal for a regulation

Article 1 – paragraph 1 – point 4

REGULATION (EU) 2019/943

Article 7a new

Text proposed by the Commission

(g) ***the peak shaving product shall not imply starting generation located behind the metering point.***

Amendment

deleted

Or. en

Amendment 483

Paolo Borchia, Isabella Tovaglieri, Matteo Adinolfi

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation 2019/943

Article 1(4)

Text proposed by the Commission

Amendment

(g) *the peak shaving product shall not imply starting generation located behind the metering point.* *deleted*

Or. en

Amendment 484

Pernille Weiss

Proposal for a regulation

Article 1 – paragraph 1 – point 4

(COM(2023)0148 – C9–0049/2023 – 2023/0077(COD))

Article 7 – para 2 – point g

Text proposed by the Commission

Amendment

(ga) *the peak shaving product shall not automatically prevail over other flexibility products, such as flexible connection agreements.*

Or. en

Amendment 485

Marina Mesure, Marc Botenga

Proposal for a regulation

Article 1 – paragraph 1 – point 4

REGULATION (EU) 2019/943

Article 7a new

Text proposed by the Commission

Amendment

3. *The actual reduction of consumption resulting from the activation of a peak shaving product shall be measured against a baseline, reflecting the expected electricity consumption without the activation of the peak shaving product. Transmission system operators shall develop a baseline methodology in consultation with market participants and submit it to the regulatory authority.* *deleted*

Or. en

Amendment 486

Maria da Graça Carvalho, Massimiliano Salini, Lara Comi, Seán Kelly, Angelika Niebler, Henna Virkkunen, Christian Ehler, Pernille Weiss, Aldo Patriciello, Angelika Winzig

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation (EU) 2019/943

Article 7a, paragraph 3

Text proposed by the Commission

Amendment

3. The actual reduction of consumption resulting from the activation of a peak shaving product shall be measured against a baseline, reflecting the expected electricity consumption without the activation of the peak shaving product. Transmission system operators shall develop a baseline methodology in consultation with market participants and submit it to the regulatory authority.

deleted

Or. en

Amendment 487

Paolo Borchia, Isabella Tovaglieri, Matteo Adinolfi

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation 2019/943

Article 1(4)

Text proposed by the Commission

Amendment

3. The actual reduction of consumption resulting from the activation of a peak shaving product shall be measured against a baseline, reflecting the expected electricity consumption without the activation of the peak shaving product. Transmission system operators shall develop a baseline methodology in consultation with market participants and submit it to the regulatory authority.

deleted

Amendment 488

Morten Petersen, Claudia Gamon, Andreas Glück, Ivars Ijabs

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation (EU) 2019/943

Article 7a, paragraph 3

Text proposed by the Commission

Amendment

3. The actual reduction of consumption resulting from the activation of a peak shaving product shall be measured against a baseline, reflecting the expected electricity consumption without the activation of the peak shaving product. Transmission system operators shall develop a baseline methodology in consultation with market participants and submit it to the regulatory authority.

deleted

Or. en

Amendment 489

Pietro Fiocchi

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Article 1 (4) : new Article 7a

Article 1 (4) : new Article 7a

Text proposed by the Commission

Amendment

3. The actual reduction of consumption resulting from the activation of a peak shaving product shall be measured against a baseline, reflecting the expected electricity consumption without the activation of the peak shaving product. Transmission system operators shall develop a baseline methodology in consultation with market participants and submit it to the regulatory authority.

deleted

(This amendment applies throughout the

text. Adopting it will necessitate corresponding changes throughout.)

Or. en

(Article 1 (4) : new Article 7a)

Justification

Such a product-specific market risks draining demand (and hence reducing the liquidity) from existing flexibility markets (spot and balancing). The potential effects of this dynamic should be properly assessed, especially with regard to the impact on price formation of the wholesale and balancing markets. In this context we stress the importance of preserving the relevance of price signals in existing markets while adopting an approach whereby all technologies can contribute by competing in the same market.

Amendment 490
Michael Bloss

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Article 7a– 3
Electricity Regulation

Text proposed by the Commission

3. The actual reduction of consumption resulting from the activation of a peak shaving product shall be measured against a baseline, reflecting the expected electricity consumption without the activation of the peak shaving product. Transmission system operators shall develop a baseline methodology in consultation with market participants and submit it to the regulatory authority.

Amendment

3. The actual reduction of consumption resulting from the activation of a peak shaving product shall be measured against a baseline, reflecting the expected electricity consumption without the activation of the peak shaving product. Transmission **and distribution** system operators shall develop a baseline methodology in consultation with market participants and submit it to the regulatory authority.

Or. en

Amendment 491
Morten Petersen, Claudia Gamon, Andreas Glück, Ivars Ijabs

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Regulation (EU) 2019/943

Article 7a, paragraph 4

Text proposed by the Commission

Amendment

4. Regulatory authorities shall approve the proposal of the transmission system operators seeking to procure a peak shaving product and the baseline methodology submitted in accordance with paragraphs 2 and 3 or shall request the transmission system operators to amend the proposal where it does not meet the requirements set out in these paragraphs. *deleted*

Or. en

Amendment 492

Marina Mesure, Marc Botenga

Proposal for a regulation

Article 1 – paragraph 1 – point 4

REGULATION (EU) 2019/943

New article 7a

Text proposed by the Commission

Amendment

4. Regulatory authorities shall approve the proposal of the transmission system operators seeking to procure a peak shaving product and the baseline methodology submitted in accordance with paragraphs 2 and 3 or shall request the transmission system operators to amend the proposal where it does not meet the requirements set out in these paragraphs. *deleted*

Or. en

Amendment 493

Maria da Graça Carvalho, Massimiliano Salini, Lara Comi, Seán Kelly, Angelika Niebler, Henna Virkkunen, Christian Ehler, Pernille Weiss, Aldo Patriciello, Angelika Winzig

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation (EU) 2019/943

Article 7a, paragraph 4

Text proposed by the Commission

Amendment

4. Regulatory authorities shall approve the proposal of the transmission system operators seeking to procure a peak shaving product and the baseline methodology submitted in accordance with paragraphs 2 and 3 or shall request the transmission system operators to amend the proposal where it does not meet the requirements set out in these paragraphs. *deleted*

Or. en

Amendment 494

Paolo Borchia, Isabella Tovaglieri, Matteo Adinolfi

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation 2019/943

Article 1(4)

Text proposed by the Commission

Amendment

4. Regulatory authorities shall approve the proposal of the transmission system operators seeking to procure a peak shaving product and the baseline methodology submitted in accordance with paragraphs 2 and 3 or shall request the transmission system operators to amend the proposal where it does not meet the requirements set out in these paragraphs. *deleted*

Or. en

Amendment 495

Michael Bloss

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Article 7a –4

Electricity regulation

Text proposed by the Commission

4. Regulatory authorities shall approve the proposal ***of the transmission system operators*** seeking to procure a peak shaving product ***and the baseline methodology submitted*** in accordance with ***paragraphs 2 and 3 or*** shall request the transmission system operators to amend the proposal where it does not meet the requirements ***set out in these paragraphs.***

Amendment

4. Regulatory authorities shall approve the proposal seeking to procure a peak shaving product in accordance with ***paragraph 2*** and shall request the transmission ***and distribution*** system operators, ***as applicable,*** to amend the proposal where it does not meet the requirements.

Or. en

Amendment 496

Pietro Fiocchi

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Article 1 (4): new Article 7a

Article 1 (4): new Article 7a

Text proposed by the Commission

4. Regulatory authorities shall approve the proposal of the transmission system operators seeking to procure a peak shaving product and the baseline methodology submitted in accordance with paragraphs 2 and 3 or shall request the transmission system operators to amend the proposal where it does not meet the requirements set out in these paragraphs.

Amendment

4. Regulatory authorities shall approve the proposal of the transmission system operators seeking to procure a peak shaving product and the baseline methodology submitted in accordance with paragraphs 2 and 3 or shall request the transmission system operators to amend the proposal where it does not meet the requirements set out in these paragraphs.

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. en

(Article 1 (4): new Article 7a)

Justification

Such a product-specific market risks draining demand (and hence reducing the liquidity) from

existing flexibility markets (spot and balancing). The potential effects of this dynamic should be properly assessed, especially with regard to the impact on price formation of the wholesale and balancing markets. In this context we stress the importance of preserving the relevance of price signals in existing markets while adopting an approach whereby all technologies can contribute by competing in the same market.

Amendment 497

Michael Bloss

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Article 7a –4a

Electricity regulation

Text proposed by the Commission

Amendment

4a. The regulatory authorities shall approve or request to amend the baseline methodology submitted in accordance with paragraph 3 and may request the Agency for an opinion.

Or. en

Amendment 498

Michael Bloss

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Article 7a – 4b

Electricity Regulation

Text proposed by the Commission

Amendment

4b. By 2026, the Commission, also based on input from the Agency and national regulatory authorities, shall assess the impacts of peak shaving products under this Article. The assessment shall include impacts on electricity prices, capacity and grid extensions, as well as on the functioning of the day-ahead, intraday and balancing markets.

Or. en

Amendment 499

András Gyürk, Ernő Schaller-Baross

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation (EU) 2019/943

Article 7b

Text proposed by the Commission

Amendment

Dedicated *metering* device

Dedicated *measurement* device

Or. en

Amendment 500

Henna Virkkunen, Tomas Tobé, Sara Skytvedal

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation (EU) 2019/943

Article 7b, paragraph 1

Text proposed by the Commission

Amendment

1. “Member States shall allow transmission system operators and distribution system operators to use data from dedicated metering devices for the observability and settlement of demand response and flexibility services, including from storage systems.

deleted

Or. en

Justification

These technical elements should be addressed in the upcoming Network Code on Demand Response. Metering arrangements should treat equally all suppliers operating at a single connection point. Each metering and billing point should be its own separate electrical installation and be clearly separated from other metering and billing points. Where metering data is used for billing and balancing, the requirements for quality of measurement should remain equal and reliable.

Amendment 501

Michael Bloss

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Article 7b – 1
Electricity Regulation

Text proposed by the Commission

1. “Member States shall allow transmission system operators and distribution system operators to use data from dedicated metering devices for the observability and settlement of **demand response and flexibility services, including from storage systems.**

Amendment

1. “Member States shall allow **customers, and market participants, including aggregators,** transmission system operators and distribution system operators to **have access and to use data, upon explicit consent from owners and users,** from dedicated metering devices, **including those referred to in article 19 of Directive 2019/944,** for the observability and settlement of flexibility services **and energy sharing.**

Or. en

Amendment 502
Maria da Graça Carvalho, Pilar del Castillo Vera, Massimiliano Salini, Lara Comi, Seán Kelly, Christian Ehler, Pernille Weiss, Aldo Patriciello, Angelika Winzig

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Regulation (EU) 2019/943
Article 7b, paragraph 1

Text proposed by the Commission

1. “**Member States shall allow** transmission system operators **and** distribution system operators **to** use data from dedicated metering devices for the observability and settlement of demand response and flexibility services, including from storage systems.

Amendment

1. “Transmission system operators, distribution system operators, **customers and market participants, including independent aggregators,** may use data from dedicated metering devices for the observability and settlement of demand response and flexibility services, including from storage systems. **The use of those data for research purposes should be allowed.**

Or. en

Amendment 503

Morten Petersen, Emma Wiesner, Susana Solís Pérez, Ivars Ijabs

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation (EU) 2019/943

Article 7b, paragraph 1

Text proposed by the Commission

1. “Member States shall allow transmission system operators and distribution system operators to use data from dedicated metering devices for the observability *and* settlement of demand response *and* flexibility services, including from storage systems.

Amendment

1. “*Without prejudice to article 19 of Directive 2019/944*, Member States shall allow transmission system operators and distribution system operators to use data from dedicated metering devices for the observability, settlement *and billing* of demand response, flexibility services *and energy sharing*, including from storage systems.

Or. en

Amendment 504

Jens Geier, Marek Paweł Balt, Matthias Ecke

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation (EU) 2019/943

Article 7b

Text proposed by the Commission

1. “Member States shall *allow* transmission system operators and distribution system operators to use data from dedicated metering devices for the observability and settlement of demand response and flexibility services, including from storage systems.

Amendment

1. “Member States shall *require* transmission system operators and distribution system operators to use data from dedicated metering devices for the observability and settlement of demand response and flexibility services, including from storage systems *on the same grounds as data generated by smart meters*.

Or. en

Justification

Sub-meters can track and the usage of devices such as electric heat pumps or electric vehicles as accurately as smart meters. To allow consumers to sign up separate contracts remunerating consumers for the flexible usage of these devices, the Electricity Regulation

should explicitly ensure that sub-meters are treated by TSOs on the same ground as smart meters.

Amendment 505

András Gyürk, Ernő Schaller-Baross

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation (EU) 2019/943

Article 7b – paragraph 1

Text proposed by the Commission

1. “**Member States shall allow** transmission system operators and distribution system operators to **use** data from dedicated **metering** devices for the observability and settlement of **demand response and** flexibility services, including from storage systems.

Amendment

1. Transmission system operators and distribution system operators **shall have access** to data from dedicated **measurement** devices for the observability and settlement of flexibility services, including from **demand response and** storage systems.

Or. en

Amendment 506

Zdzisław Krasnodębski

on behalf of the ECR Group

Izabela-Helena Kloc, Elżbieta Kruk

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Article 7b

paragraph 1

Text proposed by the Commission

1. “**Member States shall allow** transmission system operators and distribution system operators to **use** data from dedicated metering devices for the observability and settlement of **demand response and** flexibility services, including from storage systems.

Amendment

1. “transmission system operators and distribution system operators **shall have access** to data from dedicated metering devices for the observability and settlement of flexibility services, including from **demand response and** storage systems.

Or. en

Amendment 507
Marian-Jean Marinescu

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Regulation 2019/943
Article 4, paragraph 7b

Text proposed by the Commission

Amendment

1a. The dedicated metering devices must satisfy the provisions of EU Measurement Instruments Directive (2014/32/EU).

Or. en

Amendment 508
Henna Virkkunen, Tomas Tobé

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Regulation (EU) 2019/943
Article 7b, paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall establish requirements for a dedicated metering device data validation process to check and ensure the quality of the respective data.;

deleted

Or. en

Justification

These technical elements should be addressed in the upcoming Network Code on Demand Response. Metering arrangements should treat equally all suppliers operating at a single connection point. Each metering and billing point should be its own separate electrical installation and be clearly separated from other metering and billing points. Where metering data is used for billing and balancing, the requirements for quality of measurement should remain equal and reliable.

Amendment 509
Morten Petersen, Claudia Gamon, Klemen Grošelj, Ivars Ijabs

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Regulation (EU) 2019/943
Article 7b, paragraph 2

Text proposed by the Commission

2. Member States shall establish requirements for a dedicated metering device data validation process to check and ensure the quality of the respective data.;

Amendment

2. Member States shall establish ***uniform fit-for-purpose*** requirements for a dedicated metering device data validation process to check and ensure the quality ***consistency and interoperability*** of the respective data ***all harmonised under the network code for demand response***. ***National regulatory authorities shall identify the costs for the roll-out of dedicated metering devices to define thresholds for the fees for the roll-out of these devices allocated to consumers. These requirements must be in line with the following set of principles:***

a) Any dedicated metering device that is used for other purposes than information or transparency, must meet technical requirements and be certified as stated in the EU Measurement Instruments Directive (2014/32/EU);

b) Data from dedicated metering devices must be available to the system operator in the appropriate timing and must be integrated into the prevailing market communication architecture;

c) If flexibility interventions are planned by the usage of such dedicated metering devices, system operators must be informed to ensure system stability.

Or. en

Amendment 510
Jens Geier, Marek Paweł Balt, Matthias Ecke

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Regulation (EU) 2019/943
Article 7b

Text proposed by the Commission

2. Member States shall establish requirements for a dedicated metering device data validation process to check and ensure the quality of the respective data.;

Amendment

2. Member States shall establish requirements for a dedicated metering device data validation process to check and ensure the quality of the respective data. ***Access to data from dedicated metering devices shall be granted in compliance with provisions included in article 23 of Directive (EU) 2019/944. National regulatory authorities shall assess the costs linked to the roll-out of dedicated metering devices and define cost-reflective tariffs for allocating these devices to consumers.***;

Or. en

Justification

The Regulation should require that rules on access to data shall be developed also for dedicated metering devices.

To facilitate the fast roll out of sub-meters at a fair cost to consumers, NRAs should assess the cost and define tariffs for their installation.

Amendment 511

Maria da Graça Carvalho, Pilar del Castillo Vera, Massimiliano Salini, Lara Comi, Seán Kelly, Henna Virkkunen, Christian Ehler, Aldo Patriciello, Angelika Winzig

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation (EU) 2019/943

Article 7b, paragraph 2

Text proposed by the Commission

2. Member States shall establish requirements for a dedicated metering device data validation process to check and ensure the quality of the respective data.;

Amendment

2. Member States shall establish requirements for a dedicated metering device data validation process to check and ensure the quality ***and consistency*** of the respective data. ***The requirements shall be aligned with the framework on metering device data in the Network Code for demand response and flexibility and with Directive 2014/32/EU.***;

Amendment 512

Michael Bloss

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Article 7b – 2

Electricity Regulation

Text proposed by the Commission

2. **Member States shall establish** requirements for a dedicated metering device data validation process to check and ensure the quality of the respective data.;

Amendment

2. **The** requirements for a dedicated metering device data validation process to check and ensure the quality **and interoperability** of the respective data **shall be in compliance with Regulation (EU) 2016/679, Article 23 of Directive (EU) 2019/944 and Network Code for Demand Response, as applicable;**

Or. en

Amendment 513

András Gyürk, Ernő Schaller-Baross

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation (EU) 2019/943

Article 7b – paragraph 2

Text proposed by the Commission

2. Member States shall establish requirements for a dedicated **metering device** data validation process to check and ensure the quality of the respective data.;

Amendment

2. Member States shall establish requirements for a dedicated **measurement devices and for** data validation process to check and ensure the quality of the respective data **taking into account the relevant Union legislation on measurement instruments, while facilitating interoperability ;**

Or. en

Amendment 514
Zdzisław Krasnodębski
on behalf of the ECR Group
Izabela-Helena Kloc, Elżbieta Kruk

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Article 7b
paragraph 2

Text proposed by the Commission

2. Member States shall establish requirements for a dedicated metering device data validation process to check and ensure the quality of the respective data.;

Amendment

2. Member States shall establish requirements for a dedicated metering device data validation process to check and ensure the quality of the respective data ***taking into account the relevant Union legislation on measurement instruments.***

Or. en

Amendment 515
András Gyürk, Ernő Schaller-Baross

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Regulation (EU) 2019/943
Article 7b – paragraph 2

Text proposed by the Commission

2a. Member States shall facilitate the access to data from dedicated metering devices for final customers and eligible parties, including transmission and distribution system operators.’;

Amendment

Or. en

Amendment 516
Maria da Graça Carvalho, Pilar del Castillo Vera, Massimiliano Salini, Lara Comi, Seán Kelly, Christian Ehler, Aldo Patriciello, Angelika Winzig

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Regulation (EU) 2019/943

Article 7b, paragraph 2a new

Text proposed by the Commission

Amendment

2a. *Where flexibility interventions are planned through the usage of such dedicated metering devices, system operators shall be informed to ensure system stability.*

Or. en

Amendment 517

Zdzisław Krasnodębski

on behalf of the ECR Group

Izabela-Helena Kloc, Elżbieta Kruk

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Article 7b

paragraph 3

Text proposed by the Commission

Amendment

2a. *System operators shall have the right to use data from dedicated metering devices for the purpose of secure and efficient operation of the system.*

Or. en

Amendment 518

Maria da Graça Carvalho, Pilar del Castillo Vera, Massimiliano Salini, Lara Comi, Seán Kelly, Christian Ehler, Aldo Patriciello, Angelika Winzig

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation (EU) 2019/943

Article 7b, paragraph 2b new

Text proposed by the Commission

Amendment

2b. *National regulatory authorities shall assess the costs linked to dedicated metering devices and define cost-reflective tariffs for allocating these devices to*

consumers.

Or. en

Amendment 519
Marina Mesure, Marc Botenga

Proposal for a regulation
Article 1 – paragraph 1 – point 5 – point a
REGULATION (EU) 2019/943
Article 8 (1)

Text proposed by the Commission

NEMOs shall allow market participants to trade energy as close to real time as possible and at least up to the intraday cross-zonal gate closure time. By 1 January **2028**, the intraday cross-zonal gate closure time *shall be at the earliest* 30 minutes ahead of real time.

Amendment

NEMOs shall allow market participants to trade energy as close to real time as possible and at least up to the intraday cross-zonal gate closure time. By 1 January **2026**, *a cost benefit analysis and feasibility evaluation shall be carried out, by the Commission in collaboration with transmission system operators for electricity, on the impacts on national system security, cost efficiency, RES integration and CO2 emissions of moving the cross-border intraday gate closure time 30 minutes ahead of real time. This analysis shall then be approved by the national regulatory authority. Provided that the result of this cost benefit analysis is positive, the transmission system operator shall submit to the national regulatory authority an action plan aiming at shortening the intraday cross-zonal gate closure time to 30 minutes within 5 years. If the outcome of the cost-benefit analysis is negative, it is required that subsequent cost-benefit analyses be conducted every five years, following the procedure described above.*

Or. en

Justification

TSOs have expressed deep concerns regarding the shortening of gate closure time. 30min would not allow several TSOs to activate flexibility means to ensure that enough electricity is produced for the demand, putting the balance of the network at risk, which could lead to a

blackout.

Amendment 520

Michael Bloss

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point a

Article 8 – 1

Electricity Regulation

Text proposed by the Commission

NEMOs shall allow market participants to trade energy as close to real time as possible and at least up to the intraday cross-zonal gate closure time. By 1 January 2028, the intraday cross-zonal gate closure time shall be at the earliest **30** minutes ahead of real time.

Amendment

NEMOs shall allow market participants to trade energy as close to real time as possible and at least up to the intraday cross-zonal gate closure time. By 1 January **2026, the intraday cross-zonal gate closure time shall be at the earliest 15 minutes ahead of real time. By 1 January 2028**, the intraday cross-zonal gate closure time shall be at the earliest **5** minutes ahead of real time. ***The Agency may grant a temporary derogation maximum 6 months from complying with this requirement if NEMOs demonstrate that shortening of gate closure times would lead to an overall increase in greenhouse gas emissions from the internal electricity market. Until the 31 December 2025, the Commission shall provide a report that evaluates barriers and solutions towards further decreasing the cross-zonal gate closure time to 5 minutes ahead of real time.***

Or. en

Amendment 521

Morten Petersen, Klemen Grošelj, Susana Solís Pérez, Ivars Ijabs

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point a

Regulation (EU) 2019/943

Article 8, paragraph 1

NEMOs shall allow market participants to trade energy as close to real time as possible and at least up to the intraday cross-zonal gate closure time. By 1 January 2028, the intraday cross-zonal gate closure time shall be at the earliest 30 minutes ahead of real time.

NEMOs shall allow market participants to trade energy as close to real time as possible and at least up to the intraday cross-zonal gate closure time. By 1 January 2028, the intraday cross-zonal gate closure time shall be at the earliest 30 minutes ahead of real time. ***National regulatory authorities may, at the request of the relevant TSO, grant a derogation from this requirement, until 1 January 2030 at the latest. The derogation request shall include:***

a) an impact assessment, done in cooperation with NEMOs and taking into account feedback from market participants, that demonstrates the need for the derogation, and

b) an action plan aiming at shortening the intraday cross-zonal gate closure time to 30 minutes by no later than 1 January 2030.'

Or. en

Amendment 522

Maria da Graça Carvalho, Pilar del Castillo Vera, Massimiliano Salini, Lara Comi, Seán Kelly, Christian Ehler, Pernille Weiss, Aldo Patriciello, Angelika Winzig

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point a

Regulation (EU) 2019/943

Article 8, paragraph 1

NEMOs shall allow market participants to trade energy as close to real time as possible and at least up to the intraday cross-zonal gate closure time. ***By 1 January 2028, the intraday cross-zonal gate closure time shall be at the earliest 30 minutes*** ahead of real time.

NEMOs shall allow market participants to trade energy as close to real time as possible and at least up to the intraday cross-zonal gate closure time. ***Within 24 months of the entry into force of this Regulation, all TSOs shall, in cooperation with national regulatory authorities and in consultation with market participants, ACER and NEMOs, undertake an assessment and cost-benefit analysis on***

the feasibility of an intraday cross-zonal gate closure time ***set at less than one hour*** ahead of real time, ***and shall draw up a report. The assessment shall consider the impacts on the national system security, the cost-efficiency, the benefits to the integration of renewable energies and to the reduction of CO2 emissions.***

Or. en

Amendment 523

András Gyürk, Ernő Schaller-Baross

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point a

Regulation (EU) 2019/943

Article 8 – paragraph 1

Text proposed by the Commission

NEMOs shall allow market participants to trade energy as close to real time as possible and at least up to the intraday cross-zonal gate closure time. By 1 January **2028, the** intraday cross-zonal gate closure **time shall be at the earliest 30 minutes** ahead of real time.

Amendment

NEMOs shall allow market participants to trade energy as close to real time as possible and at least up to the intraday cross-zonal gate closure time. By 1 January **2026, in accordance with Article 9 of Regulation (EU) 2015/1222, NEMOs and TSOs shall review and submit the methodology on the intraday cross-zonal gate opening and closure time specified in Article 59 of Regulation (EU) 2115/1222 for approval. This review shall identify the earliest feasible** intraday cross-zonal gate closure **and should also contain an implementation roadmap.**

Or. en

Justification

In principle, we support to set the gate closing time closer to real time, however, we do not recommend fixing the specific value in a regulation. We believe, the feasibility of 30 minutes must first be examined at the expert level and assessed in an impact assessment. If a feasible proposal can be composed, it can be implemented in the already existing framework without special regulations.

Amendment 524
Zdzisław Krasnodębski
on behalf of the ECR Group
Izabela-Helena Kloc, Elżbieta Kruk

Proposal for a regulation
Article 1 – paragraph 1 – point 5 – point a
Article 8
paragraph 1

Text proposed by the Commission

NEMOs shall allow market participants to trade energy as close to real time as possible and at least up to the intraday cross-zonal gate closure time. By 1 January **2028**, the intraday cross-zonal gate closure time ***shall be at the earliest 30 minutes ahead of real time.***

Amendment

NEMOs shall allow market participants to trade energy as close to real time as possible and at least up to the intraday cross-zonal gate closure time. By 1 January ***2026 all TSOs shall perform a joint impact assessment of the intraday cross-zonal gate closure time shortening on national system security, cost efficiency, RES integration and CO2 emissions. Based on such assessment, all TSOs may propose an amendment to the methodology derived from Art. 59 of EC Regulation 2015/1222.***

Or. en

Justification

The conditions for the ‘cross zonal gate closure’ should be agreed in the framework of network codes, not by the co-legislators. Introducing a mandatory EU-wide predefined timing without any impact assessment on systems security and system-wide CO2 emissions is not justified, and might have serious consequences for TSOs across Europe and the way they operate, potentially compromising system security in some countries.

Amendment 525
Niels Fuglsang, Erik Bergkvist, Miapetra Kumpula-Natri

Proposal for a regulation
Article 1 – paragraph 1 – point 5 – point a
Regulation (EU) 2019/943
Article 8 – paragraph 1

Text proposed by the Commission

NEMOs shall allow market participants to trade energy as close to real time as

Amendment

NEMOs shall allow market participants to trade energy as close to real time as

possible and at least up to the intraday cross-zonal gate closure time. By 1 January 2028, the intraday cross-zonal gate closure time shall be at the earliest 30 minutes ahead of real time.

possible and at least up to the intraday cross-zonal gate closure time. By 1 January 2028, the intraday cross-zonal gate closure time shall be at the earliest 30 minutes ahead of real time ***provided that this does not lead to an increase in CO2 emissions or has negative impacts on security of supply and integration of renewable energy*** .

Or. en

Justification

Member States with a large share of renewables may experience more difficulties in implementing 30 minutes to ahead of real time why the integration of renewables into the system should be considered.

Amendment 526

Nicola Danti

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point a

Regulation (EU) 2019/943

Article 8, paragraph 1

Text proposed by the Commission

NEMOs shall allow market participants to trade energy as close to real time as possible and at least up to the intraday cross-zonal gate closure time. ***By 1 January 2028, the intraday cross-zonal gate closure time shall be at the earliest 30 minutes ahead of real time.***

Amendment

NEMOs shall allow market participants to trade energy as close to real time as possible and at least up to the intraday cross-zonal gate closure time.

Or. en

Amendment 527

François-Xavier Bellamy

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point a

Regulation (EU) 2019/943

Article 8

Text proposed by the Commission

NEMOs shall allow market participants to trade energy as close to real time as possible and at least up to the intraday cross-zonal gate closure time. **By 1 January 2028, the intraday cross-zonal gate closure time shall be at the earliest 30 minutes ahead of real time.**

Amendment

NEMOs shall allow market participants to trade energy as close to real time as possible and at least up to the intraday cross-zonal gate closure time.

Or. en

Amendment 528

Paolo Borchia, Isabella Tovaglieri, Matteo Adinolfi

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point a

Regulation 2019/943

Article 8

Text proposed by the Commission

NEMOs shall allow market participants to trade energy as close to real time as possible and at least up to the intraday cross-zonal gate closure time. **By 1 January 2028, the intraday cross-zonal gate closure time shall be at the earliest 30 minutes ahead of real time.**

Amendment

NEMOs shall allow market participants to trade energy as close to real time as possible and at least up to the intraday cross-zonal gate closure time.

Or. en

Amendment 529

Christophe Grudler, Valérie Hayer

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point a

(EU) 2019/944

Article 8 paragraph 1

Text proposed by the Commission

NEMOs shall allow market participants to trade energy as close to real time as possible and at least up to the intraday cross-zonal gate closure time. **By 1**

Amendment

NEMOs shall allow market participants to trade energy as close to real time as possible and at least up to the intraday cross-zonal gate closure time.

January 2028, the intraday cross-zonal gate closure time shall be at the earliest 30 minutes ahead of real time.

Or. en

Justification

Imposing a gate closure 30 minutes ahead of real time would increase the cost for consumers since it would exclude some assets from participating to the reserve (French TSO RTE would lose 2/3 of the assets available with a one hour time). Moreover, assets that can respond in less than 20 minutes are mainly thermal units and so changing this closure time would go against our climate objectives. Finally, this would lead to use more automatic reserve which is more expensive and thus, this would increase the cost for consumers.

Amendment 530

Maria da Graça Carvalho, Pilar del Castillo Vera, Massimiliano Salini, Lara Comi, Seán Kelly, Christian Ehler, Pernille Weiss, Aldo Patriciello, Angelika Winzig

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point a
Regulation (EU) 2019/943
Article 8, paragraph 1a new

Text proposed by the Commission

Amendment

Within 6 months from the date of the report under paragraph 1, on the basis of the performed assessment and in coordination with all TSOs, ACER may take a decision to shorten the cross-zonal gate closure time, in accordance with Article 6(1) of Regulation 2019/942. Following this decision, the Commission may propose an amendment to the methodology derived from Article 59 of the Commission Regulation 2015/1222.

Or. en

Amendment 531

Maria da Graça Carvalho, Pilar del Castillo Vera, Massimiliano Salini, Lara Comi, Seán Kelly, Christian Ehler, Aldo Patriciello, Angelika Winzig

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point a

Text proposed by the Commission

Amendment

During the day-ahead and intraday market timeframe, each NEMOs shall submit all orders for day-ahead and intraday products received from market participants to single dayahead and intraday coupling and shall not organise themselves, or through an entity affiliated or associated with them, the trading with day-ahead and intraday products, or products with similar characteristics, outside the single dayahead and intraday coupling.

Or. en

Amendment 532

Morten Petersen, Klemen Grošelj, Ivars Ijabs

Proposal for a regulation

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

Regulation (EU) 2019/943

Article 8, paragraph 1a (new)

Text proposed by the Commission

Amendment

(aa) During the day-ahead and intraday market timeframe, each NEMOs shall submit all orders for day-ahead and intraday products received from market participants to single day-ahead and intraday coupling and shall not organise themselves, or through an entity affiliated or associated with them, the trading with day-ahead and intraday products, or products with similar characteristics, outside the single day-ahead and intraday coupling.

Or. en

Amendment 533

Henna Virkkunen, Tomas Tobé

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(aa) Intraday market operators shall be obliged to submit all bids and offers for intraday products, or products with essentially the same characteristics as intraday products, for single matching via the shared order book immediately and at all times after the orders have been received from market participants, irrespective of and also after the intraday cross-zonal gate closure time.

Or. en

Justification

The proposal fails to extend the existing obligation on NEMOs to share their liquidity also into the post CACM time-frame, i.e. when the same intraday markets continue as local intraday markets in some Member States. The situation discriminates against smaller market participants, which would benefit from participating in these local intraday markets, but are not willing or able to pay the fees of the incumbent power exchange to access liquid markets also in the last 60 minutes before delivery.

Amendment 534

Christophe Grudler, Valérie Hayer

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point b

(EU) 2019/944

Article 8 paragraph 3

Text proposed by the Commission

Amendment

NEMOs shall provide products for trading in day-ahead and intraday markets which are sufficiently small in size, with minimum bid sizes of 100kW or less, to allow for the effective participation of demand-side response, energy storage and small-scale renewables including direct participation by customers.

NEMOs shall provide products for trading in day-ahead and intraday markets which are sufficiently small in size, with minimum bid sizes of 100kW or less, to allow for the effective participation of demand-side response, energy storage and small-scale renewables including direct participation by customers. ***Derogation may be granted until December 2026.***

Justification

Currently the go live for the 15 minutes MTU in SDAC is foreseen by NEMOs in Q1 2025. Some uncertainties remain regarding the implementation of 15 minutes MTU in SDAC.

Amendment 535

Morten Petersen, Claudia Gamon, Klemen Grošelj, Emma Wiesner, Susana Solís Pérez, Ivars Ijabs

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point b

Regulation (EU) 2019/943

Article 8, paragraph 3

Text proposed by the Commission

NEMOs shall provide products for trading in day-ahead and intraday markets which are sufficiently small in size, with minimum bid sizes of 100kW or less, to allow for the effective participation of *demand-side* response, energy storage and small-scale renewables including direct participation by customers.

Amendment

NEMOs shall provide products for trading in day-ahead and intraday markets which are sufficiently small in size, with minimum bid sizes of 100kW or less, to allow for the effective participation of *demand* response, energy storage and small-scale renewables including direct participation by customers.

Amendment 536

Zdzisław Krasnodębski

on behalf of the ECR Group

Izabela-Helena Kloc, Elżbieta Kruk

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Article 9

Forward markets

Text proposed by the Commission

[...]

[...]

Amendment

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Or. en

Justification

The proposal of creating virtual hubs is a disruptive approach with long implementation time based on untested solutions and with significant uncertainties on costs and risks for TSO-s and other market participants.

Amendment 537

Marina Mesure, Marc Botenga

Proposal for a regulation

Article 1 – paragraph 1 – point 6

REGULATION (EU) 2019/943

Article 9

Text proposed by the Commission

Amendment

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Or. en

Justification

The amendment to the existing article 9 of the basic act are linked to virtual hubs which, for many stakeholders of the electricity market, will not achieve the goals of price reduction and availability of electricity and could even have negative side effects. Therefore, as a precautionary principle, these amendments shall be deleted.

Amendment 538

Maria da Graça Carvalho, Pilar del Castillo Vera, Ioan-Rareş Bogdan, Cristian-Silviu Buşoi, Vasile Blaga, Gheorghe Falcă, Massimiliano Salini, Lara Comi, Seán Kelly, Henna Virkkunen, Christian Ehler, Pernille Weiss, Aldo Patriciello, Angelika Winzig

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EU) 2019/943

Article 9, paragraph –1a new

Text proposed by the Commission

Amendment

By 1 December 2024, the ENTSO for Electricity shall submit to ACER a report about the possible implementation of practical solutions addressing market participants' hedging needs. The report shall assess at least, but not limited to, the frequency of the auctions, the maturities of the products, the development of secondary markets, the obligations concerning financial transmission rights, the process on cost-recovery to handle any financial risks and potential losses, the timeline for implementation, the appropriateness of regional coordination and decision-making for alternative measures, including the possible establishment of regional virtual hubs.

Or. en

Amendment 539

Niels Fuglsang, Erik Bergkvist, Miapetra Kumpula-Natri

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EU) 2019/943

Article 9 – paragraph –1 (new)

Text proposed by the Commission

Amendment

Transmission system operators shall issue long-term transmission rights or have equivalent measures in place to allow for market participants, including owners of power-generating facilities using renewable energy sources, to hedge price risks across bidding zone borders, unless an assessment of the forward market on the bidding zone borders performed by the competent regulatory authorities shows that there are sufficient hedging opportunities in the concerned bidding

zones.

Or. en

Justification

Equivalent measures to long term transmission rights may help boost liquidity in the markets and should therefore be preserved.

Amendment 540
Angelika Niebler

Proposal for a regulation
Article 1 – paragraph 1 – point 6
Regulation 2019/943
Article 9

Text proposed by the Commission

Amendment

- 1. By 1 December 2024 the ENTSO for Electricity shall submit to ACER, after having consulted ESMA, a proposal for the establishment of regional virtual hubs for the forward market. The proposal shall:**
- (a) define the geographical scope of the virtual hubs for the forward market, including the bidding zones constituting these hubs, aiming to maximise the price correlation between the reference prices and the prices of the bidding zones constituting virtual hubs;**
- (b) include a methodology for the calculation of the reference prices for the virtual hubs for the forward market, aiming to maximise the correlations between the reference price and the prices of the bidding zones constituting a virtual hub; such methodology shall be applicable to all virtual hubs and based on predefined objective criteria;**
- (c) include a definition of financial long-term transmission rights from bidding zones to the virtual hubs for the forward market;**
- (d) maximise the trading opportunities for**
- deleted*

hedging products referencing the virtual hubs for the forward market as well as for long term transmission rights from bidding zones to virtual hubs.

Or. en

Amendment 541
François-Xavier Bellamy

Proposal for a regulation
Article 1 – paragraph 1 – point 6
Regulation 2019/943
Article 9

Text proposed by the Commission

Amendment

1. By 1 December 2024 the ENTSO for Electricity shall submit to ACER, after having consulted ESMA, a proposal for the establishment of regional virtual hubs for the forward market. The proposal shall:

deleted

(a) define the geographical scope of the virtual hubs for the forward market, including the bidding zones constituting these hubs, aiming to maximise the price correlation between the reference prices and the prices of the bidding zones constituting virtual hubs;

(b) include a methodology for the calculation of the reference prices for the virtual hubs for the forward market, aiming to maximise the correlations between the reference price and the prices of the bidding zones constituting a virtual hub; such methodology shall be applicable to all virtual hubs and based on predefined objective criteria;

(c) include a definition of financial long-term transmission rights from bidding zones to the virtual hubs for the forward market;

(d) maximise the trading opportunities for hedging products referencing the virtual hubs for the forward market as well as for

long term transmission rights from bidding zones to virtual hubs.

Or. en

Amendment 542
Pernille Weiss

Proposal for a regulation

Article 1 – paragraph 1 – point 6

(COM(2023)0148 – C9–0049/2023 – 2023/0077(COD))

Article 9 – para 1

Text proposed by the Commission

1. By 1 December **2024** *the ENTSO for Electricity* shall submit to ACER, after having consulted ESMA, a proposal for the establishment of regional virtual hubs for the forward market. The proposal shall:

Amendment

1. **1. By 31 December 2023, all TSOs are required to submit a proposal to ACER and ESMA regarding the implementation of improvements to the current auctioning process of financial long-term transmission rights to be implemented by 1 January 2024.**

(a) The improvements shall include, but are not restricted to, the following;

i. Auctions for monthly, quarterly and yearly products;

ii. Product maturities up to three years;

iii. Development of a secondary market;

iv. Adoption of FTR obligations;

v. Full financial firmness with an agreed cost-recovery comfort from regulators.

(b) Improvements that may be implemented, subject to the decision of regional CCR NRA, shall also be included in the proposal;

i. Regional coordination and decision making for alternative measures or exemptions to TSOs. This would imply the acceptance of alternative long-term cross-zonal hedging products;

ii. In the event it is required, market making is considered complementary, however, TSOs are not to be involved.

2. The proposal for improvements in the forward market must be evaluated jointly by ACER and ESMA within three months of receipt. They will either approve or amend the proposal, and the adopted proposal will be published on ACER's website. All TSOs must implement the approved proposal within three months of its approval.

3. By 1 December 2026, all TSOs shall submit to ACER, after having consulted ESMA, a proposal for the establishment of regional virtual hubs for the forward market. The proposal shall:

Or. en

Amendment 543

Morten Petersen, Klemen Grošelj, Susana Solís Pérez, Ivars Ijabs

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EU) 2019/943

Article 9, paragraph 1

Text proposed by the Commission

1. By 1 December 2024 the ENTSO for Electricity shall submit to ACER, after having consulted ESMA, a proposal for the establishment of regional virtual hubs for the forward market. The proposal shall:

Amendment

1. By 18 months after the adoption of this Regulation, the European Commission in consultation with relevant market stakeholders, shall submit to ACER:

i. An assessment of the possible implementation of practical solutions addressing market parties' hedging needs which shall consider but not be limited to the following:

a) frequent auctions for at least monthly and yearly products;

b) auctions with product maturities extended up to three years;

c) development of a secondary market;

d) adoption of products such as financial transmission rights obligations;

e) process on full cost-recovery to handle any financial risks and losses arising from these additional measures ensured by the regulatory authority;

f) timeline for implementation;

g) the appropriateness of regional coordination and decision making for alternative measures or exemptions to transmission system operators on borders where no long-term transmission rights are provided at the adoption time of this proposal;

h) auctions for long-term transmission rights.

Or. en

Amendment 544

András Gyürk, Ernő Schaller-Baross

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EU) 2019/943

Article 9 – paragraph 1

Text proposed by the Commission

1. By 1 December 2024 the ENTSO for Electricity shall submit to ACER, after having consulted ESMA, a proposal for the establishment of regional virtual hubs for the forward market. The proposal shall:

Amendment

1. By 1 December 2024 the ENTSO for Electricity shall submit to ACER, after having consulted ESMA ***and forward market stakeholders, a detailed assessment for the establishment of regional virtual hubs for the forward market. The detailed assessment shall evaluate the possible benefits and drawbacks of the aforementioned virtual hubs and shall contain a recommendation whether or not to implement such hubs.***

2. Within six months of receipt of the detailed assessment on the establishment of the regional virtual hubs for the forward market, ACER shall decide about the implementation.

3. In case ACER decides to introduce the regional virtual hubs for the forward market, the ENTSO for Electricity shall

submit to ACER a proposal for the establishment of regional virtual hubs for the forward market *within one year*. *ENTSO for Electricity shall consult with ESMA and forward market stakeholders*.
The proposal shall:

Or. en

Justification

We believe, it would be important to clarify and resolve the potential conflict of jurisdiction between ESMA, ACER and the national supervisory authorities, given that forward markets are subject to financial market legislation.

Amendment 545

Miapetra Kumpula-Natri, Erik Bergkvist

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June
Article 9

Text proposed by the Commission

1. By 1 December 2024 the **ENTSO for Electricity shall submit to ACER**, after having consulted ESMA, **a proposal for** the establishment of regional virtual hubs for the forward market. **The proposal shall:**

Amendment

1. By 1 December 2024 the **Commission**, after having consulted **ACER, ENTSO for Electricity and ESMA**, **shall submit to the European Parliament and the Council an assessment on the impacts of** the establishment of regional virtual hubs for the forward market **on the functioning of the electricity markets. The Commission may accompany this impact assessment by a legislative proposal, where appropriate. The impact assessment shall focus, inter alia, on:**

Or. en

Amendment 546

Maria da Graça Carvalho, Pilar del Castillo Vera, Ioan-Rareş Bogdan, Cristian-Silviu Buşoi, Vasile Blaga, Gheorghe Falcă, Massimiliano Salini, Lara Comi, Seán Kelly, Henna Virkkunen, Christian Ehler, Pernille Weiss, Aldo Patriciello, Angelika Winzig

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EU) 2019/943

Article 9, paragraph 1

Text proposed by the Commission

1. ***By 1 December 2024 the ENTSO for Electricity shall submit to ACER, after having consulted ESMA, a proposal for the establishment of regional virtual hubs for the forward market. The proposal shall:***

Amendment

1. ***Within 24 months after [the entry into force of this Regulation] the Commission shall perform a study about the possible establishment of regional virtual hubs for the forward markets, and shall present it to European Parliament and Council, and where appropriate revise the Commission Regulation (EU) 2016/1719 in accordance with Article 59, that establishes the design referred to in paragraph 1. This study shall in particular assess:***

Or. en

Amendment 547

Michael Bloss

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Article 9 – 1

Electricity Regulation

Text proposed by the Commission

1. By 1 December 2024 the ENTSO for Electricity shall submit to ACER, after having consulted ESMA, a proposal for the establishment of regional virtual hubs for the forward market. The proposal shall:

Amendment

1. ***Liquid forward markets allow market participants to hedge against price fluctuations and improve investors' certainty and price stability for consumers. All market participants shall have access to liquid trading hubs in their region.*** By 1 December 2024 the ENTSO for Electricity shall submit to ACER, after having consulted ESMA, a proposal for the establishment of regional virtual hubs for the forward market. The proposal shall:

Or. en

Amendment 548

Henna Virkkunen

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EU) 2019/943

Article 9, paragraph 1

Text proposed by the Commission

1. By 1 December 2024 the ENTSO for Electricity shall submit to ACER, after having consulted ESMA, a proposal for the establishment of regional virtual hubs for the forward market. The proposal shall:

Amendment

1. By 1 December 2024 the ENTSO for Electricity shall submit to ACER, after having consulted ESMA, a proposal for the establishment of regional virtual hubs for the forward market ***if market based virtual hub for the forward market is not in place.*** The proposal shall:

Or. en

Justification

The regulation should not oblige the use of certain types of hedging instruments if a functional alternative option or ‘virtual hub’ is in place.

Amendment 549

Morten Petersen, Klemen Grošelj, Susana Solís Pérez, Ivars Ijabs

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EU) 2019/943

Article 9, paragraph 1, point ii

Text proposed by the Commission

(a) define the geographical scope of the virtual hubs for the forward market, including the bidding zones constituting these hubs, aiming to ***maximise the*** price correlation between the reference prices and the prices of the bidding zones constituting virtual hubs;

Amendment

(a) ***ii. An assessment for the establishment of regional virtual hubs for the forward market which shall consider but not be limited to the following:***

(aa) impact of a virtual hub on at least the forward market, transmission system operators, market participants and end-consumers as well as relevant benefits and drawbacks;

(a) define the geographical scope of the virtual hubs for the forward market,

including the bidding zones constituting these hubs **and specific situations of bidding zones belonging to two or more virtual hubs**, aiming to **achieve high** price correlation between the reference prices and the prices of the bidding zones constituting virtual hubs;

Or. en

Amendment 550

Maria da Graça Carvalho, Pilar del Castillo Vera, Ioan-Rareş Bogdan, Cristian-Silviu Buşoi, Vasile Blaga, Gheorghe Falcă, Massimiliano Salini, Lara Comi, Seán Kelly, Henna Virkkunen, Christian Ehler, Pernille Weiss, Aldo Patriciello, Angelika Winzig

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EU) 2019/943

Article 9, paragraph 1, point a

Text proposed by the Commission

(a) **define** the geographical scope of the virtual hubs for the forward market, including the bidding zones constituting these hubs, aiming to maximise the price correlation between the reference prices and the prices of the bidding zones constituting virtual hubs;

Amendment

(a) the geographical scope of the **regional** virtual hubs for the forward market, including the bidding zones constituting these hubs, **and specific situations of bidding zones belonging to more than one virtual hub**, aiming to maximise the price correlation between the reference prices and the prices of the bidding zones constituting **regional** virtual hubs;

Or. en

Amendment 551

Maria da Graça Carvalho, Pilar del Castillo Vera, Ioan-Rareş Bogdan, Cristian-Silviu Buşoi, Vasile Blaga, Gheorghe Falcă, Massimiliano Salini, Lara Comi, Seán Kelly, Henna Virkkunen, Christian Ehler, Pernille Weiss, Aldo Patriciello, Angelika Winzig

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EU) 2019/943

Article 9, paragraph 1, point aa new

(aa) the impact of regional virtual hubs on the forward markets, the transmission system operators, the market participants and end-consumers and the potential benefits and drawbacks that regional virtual hubs would bring compared to the existing zonal model;

Or. en

Amendment 552

Niels Fuglsang, Erik Bergkvist, Miapetra Kumpula-Natri

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EU) 2019/943

Article 9 – paragraph 1

Text proposed by the Commission

Amendment

(b) ***include*** a methodology for the calculation of the reference prices for the virtual hubs for the forward market, aiming to maximise the correlations between the reference price and the prices of the bidding zones constituting a virtual hub; such methodology shall be applicable to all virtual hubs and based on predefined objective criteria;

(b) ***evaluating*** a methodology for the calculation of the reference prices for the virtual hubs for the forward market, aiming to maximise the correlations between the reference price and the prices of the bidding zones constituting a virtual hub; such methodology shall be applicable to all virtual hubs and based on predefined objective criteria ***and specifications on equivalent measures;***

Or. en

Justification

Equivalent measures to long term transmission rights may help boost liquidity in the markets and should therefore be preserved.

Amendment 553

Maria da Graça Carvalho, Pilar del Castillo Vera, Ioan-Rareş Bogdan, Cristian-Silviu Buşoi, Vasile Blaga, Gheorghe Falcă, Massimiliano Salini, Lara Comi, Seán Kelly, Henna Virkkunen, Christian Ehler, Pernille Weiss, Aldo Patriciello, Angelika Winzig

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EU) 2019/943

Article 9, paragraph 1, point b

Text proposed by the Commission

(b) **include a methodology for** the calculation of the reference prices for the virtual hubs for the forward market, aiming to maximise the correlations between the reference price and the prices of the bidding zones constituting a virtual hub; such methodology shall be applicable to all virtual hubs and based on predefined objective criteria;

Amendment

(b) the calculation of the reference prices for the **regional** virtual hubs for the forward market, **and the underlying methodology**, aiming to maximise the correlations between the reference price and the prices of the bidding zones constituting a **regional** virtual hub; such methodology shall be applicable to all virtual hubs and based on predefined objective criteria ;

Or. en

Amendment 554

Morten Petersen, Klemen Grošelj, Emma Wiesner, Ivars Ijabs

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EU) 2019/943

Article 9, paragraph 1, point ii (b)

Text proposed by the Commission

(b) include a methodology for the calculation of the reference prices for the virtual hubs for the forward market, aiming to **maximise the** correlations between the reference price and the prices of the bidding zones constituting a virtual hub; such methodology shall be applicable to all virtual hubs and based on predefined objective criteria;

Amendment

(b) include a methodology for the calculation of the reference prices for the virtual hubs for the forward market, aiming to **achieve high** correlations between the reference price and the prices of the bidding zones constituting a virtual hub; such methodology shall be applicable to all virtual hubs and based on predefined objective criteria;

Or. en

Amendment 555

Morten Petersen, Klemen Grošelj, Ivars Ijabs

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EU) 2019/943
Article 9, paragraph 1, point ii (c)

Text proposed by the Commission

(c) include a definition of financial long-term transmission rights from bidding zones to the virtual hubs for the forward market;

Amendment

(c) include a definition of financial long-term transmission rights from bidding zones to the virtual hubs for the forward market ***as financial obligations to enable market participants to hedge their exposure to positive and negative price spreads, including as regards to volumes and maturities;***

Or. en

Amendment 556

Maria da Graça Carvalho, Pilar del Castillo Vera, Ioan-Rareş Bogdan, Cristian-Silviu Buşoi, Vasile Blaga, Gheorghe Falcă, Massimiliano Salini, Lara Comi, Seán Kelly, Henna Virkkunen, Christian Ehler, Pernille Weiss, Aldo Patriciello, Angelika Winzig

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EU) 2019/943

Article 9, paragraph 1, point c

Text proposed by the Commission

(c) ***include*** a definition of financial long-term transmission rights from bidding zones to the virtual hubs for the forward market;

Amendment

(c) a definition of financial long-term transmission rights from bidding zones to the ***regional*** virtual hubs for the forward market ***and the need to offer trading of long-term transmission rights between each bidding zone and the regional virtual hub;***

Or. en

Amendment 557

Maria da Graça Carvalho, Pilar del Castillo Vera, Ioan-Rareş Bogdan, Cristian-Silviu Buşoi, Vasile Blaga, Gheorghe Falcă, Massimiliano Salini, Lara Comi, Seán Kelly, Henna Virkkunen, Christian Ehler, Pernille Weiss, Aldo Patriciello, Angelika Winzig

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EU) 2019/943

Article 9, paragraph 1, point d

Text proposed by the Commission

(d) **maximise** the trading opportunities for hedging products referencing the virtual hubs for the forward market as well as for long term transmission rights from bidding zones to virtual hubs.

Amendment

(d) **the maximisation of** the trading opportunities for hedging products referencing the virtual hubs for the forward market as well as for long term transmission rights from bidding zones to **regional** virtual hubs .

Or. en

Amendment 558

Morten Petersen, Klemen Grošelj, Ivars Ijabs

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EU) 2019/943

Article 9, paragraph 1, point ii (da)

Text proposed by the Commission

Amendment

(da) specify how the single allocation platform referred to in paragraph 3 shall offer allocation and facilitate trading of long-term transmission rights.

Based on the conclusions of the assessments, the European Commission shall propose amendments to existing Commission Regulation (EU) 2016/1719 establishing a guideline on forward capacity allocation, where relevant.

Or. en

Amendment 559

Morten Petersen, Klemen Grošelj, Ivars Ijabs

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EU) 2019/943

Article 9, paragraph 1b (new)

Text proposed by the Commission

Amendment

1a. Subject to compliance with Union competition law and with Directive (EU) 2014/65 and Regulations (EU) 648/2012 and 600/2014, market operators shall be free to offer trading of financial hedging products to provide market participants, including owners of power-generating facilities using renewable energy sources, with appropriate possibilities for hedging financial risks against price fluctuations. Member States shall not require that such hedging activity be limited to trades within a Member State or bidding zone. All market operators shall be free to offer trading of financial hedging products linked to regional virtual hubs.

Or. en

Amendment 560
Angelika Niebler

Proposal for a regulation
Article 1 – paragraph 1 – point 6
Regulation 2019/943
Article 9 – paragraph 1

Text proposed by the Commission

Amendment

1a. In accordance with Regulation (EU) 2016/1719, transmission system operators shall issue long-term transmission rights or have equivalent measures in place to allow for market participants, including owners of power-generating facilities using renewable energy sources, to hedge price risks across bidding zone borders, unless an assessment of the forward market on the bidding zone borders performed by the competent regulatory authorities shows that there are sufficient hedging opportunities in the concerned bidding zones.

Or. en

Amendment 561

Morten Petersen, Klemen Grošelj, Ivars Ijabs

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EU) 2019/943

Article 9, paragraph 1c (new)

Text proposed by the Commission

Amendment

1b. Transmission system operators or single allocation platform on their behalf, shall issue long-term transmission rights and may have additional measures in place to allow for market participants, including owners of power-generating facilities using renewable energy sources, to hedge price risks across bidding zones.

Or. en

Amendment 562

Maria da Graça Carvalho, Ioan-Rareş Bogdan, Cristian-Silviu Buşoi, Vasile Blaga, Gheorghe Falcă, Massimiliano Salini, Lara Comi, Seán Kelly, Henna Virkkunen, Christian Ehler, Pernille Weiss, Aldo Patriciello, Angelika Winzig

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EU) 2019/943

Article 9, paragraph 2

Text proposed by the Commission

Amendment

2. Within six months of receipt of the proposal on the establishment of the regional virtual hubs for the forward market, ACER shall evaluate it and either approve or amend it. In the latter case, ACER shall consult the ENTSO for Electricity before adopting the amendments. The adopted proposal shall be published on ACER's website. ***deleted***

Or. en

Amendment 563

François-Xavier Bellamy

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation 2019/943

Article 9

Text proposed by the Commission

Amendment

2. Within six months of receipt of the proposal on the establishment of the regional virtual hubs for the forward market, ACER shall evaluate it and either approve or amend it. In the latter case, ACER shall consult the ENTSO for Electricity before adopting the amendments. The adopted proposal shall be published on ACER's website. *deleted*

Or. en

Amendment 564

Angelika Niebler

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation 2019/943

Article 9

Text proposed by the Commission

Amendment

2. Within six months of receipt of the proposal on the establishment of the regional virtual hubs for the forward market, ACER shall evaluate it and either approve or amend it. In the latter case, ACER shall consult the ENTSO for Electricity before adopting the amendments. The adopted proposal shall be published on ACER's website. *deleted*

Or. en

Amendment 565

Morten Petersen, Klemen Grošelj, Susana Solís Pérez, Ivars Ijabs

Proposal for a regulation
Article 1 – paragraph 1 – point 6
Regulation (EU) 2019/943
Article 9, paragraph 2

Text proposed by the Commission

2. ***Within six months of receipt*** of the proposal ***on*** the establishment of ***the*** regional virtual hubs for the forward market, ACER shall ***evaluate it and either approve or amend it. In the latter case, ACER shall*** consult ***the ENTSO for Electricity*** before ***adopting the amendments. The adopted proposal shall be published on ACER's website.***

Amendment

2. ***The results of the assessments following the first and second subparagraphs of Article 9(1) shall be reflected by ACER and EC in any amendment, proposal for amendments, or non-binding framework guideline related to Commission Regulation (EU) 2016/1719 establishing a guideline on forward capacity allocation, in accordance with the procedures defined in Articles 59(1)(b), 60 and 61.***

After receiving the assessment for the establishment of regional virtual hubs for the forward market, ACER shall consult ESMA and stakeholders before proposing any amendment or non-binding framework guideline.

Or. en

Amendment 566
András Gyürk, Ernő Schaller-Baross

Proposal for a regulation
Article 1 – paragraph 1 – point 6
Regulation (EU) 2019/943
Article 9 – paragraph 2

Text proposed by the Commission

2. ***Within six months of receipt*** of the proposal ***on*** the establishment of ***the*** regional virtual hubs for the forward market, ACER shall ***evaluate it and either approve or amend it. In the latter case, ACER shall*** consult ***the ENTSO for Electricity*** before ***adopting the amendments. The adopted proposal shall be published on ACER's website.***

Amendment

2. ***The results of the assessments by all TSOs following the first and second subparagraphs of Article 9(1) shall be reflected by ACER and EC in any amendment, proposal for amendments, or non-binding framework guideline related to Commission Regulation (EU) 2016/1719 establishing a guideline on forward capacity allocation, in accordance with the procedures defined in Articles 59(1)(b), 60 and 61. After***

*receiving the assessment for the establishment of regional virtual hubs for the forward market, ACER shall consult ESMA before **proposing any amendment or non-binding framework guideline.***

Or. en

Justification

In any upcoming proposal for amendment of the FCA Commission Regulation (EU) 2016/1719), the EC and ACER shall consider the results of the TSOs' assessments on the implementation of practical solutions based on the all TSOs' assessment and on regional virtual hubs. Furthermore ACER should consult with ESMA. ACER can hence properly take ESMA's comments into account without bearing the risk of not delivering the assessment and the proposal.

Amendment 567 **Angelika Niebler**

Proposal for a regulation
Article 1 – paragraph 1 – point 6
Regulation 2019/943
Article 9 – Paragraph 2

Text proposed by the Commission

Amendment

2a. Long-term transmission rights shall be allocated with a range of maturities of up to three years ahead in a transparent, market based and nondiscriminatory manner through a single allocation platform. The frequency of allocation of the long-term cross-zonal capacity shall support the efficient functioning of the forward market.

Transmission system operators should in each capacity calculation region develop a duly assessed approach that is aiming to increase the volume of cross-zonal capacities in forward markets and an increase in liquidity.

Or. en

Amendment 568

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François-Xavier Bellamy

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation 2019/943

Article 9

Text proposed by the Commission

Amendment

3. The single allocation platform established in accordance with Regulation (EU) 2016/1719 shall have a legal form as referred to in Annex II to Directive (EU) 2017/1132 of the European Parliament and of the Council.

deleted

Or. en

Amendment 569

Henna Virkkunen

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EU) 2019/943

Article 9, paragraph 1

Text proposed by the Commission

Amendment

3. The single allocation platform established in accordance with Regulation (EU) 2016/1719 shall have a legal form as referred to in Annex II to Directive (EU) 2017/1132 of the European Parliament and of the Council.

3. ***If market based virtual hubs are not implemented***, the single allocation platform established in accordance with Regulation (EU) 2016/1719 shall have a legal form as referred to in Annex II to Directive (EU) 2017/1132 of the European Parliament and of the Council.

Or. en

Justification

The regulation should not oblige the use of certain types of hedging instruments if a functional alternative option or 'virtual hub' is in place.

Amendment 570

András Gyürk, Ernő Schaller-Baross

Proposal for a regulation
Article 1 – paragraph 1 – point 6
Regulation (EU) 2019/943
Article 9 – paragraph 3

Text proposed by the Commission

3. The single allocation platform established in accordance with Regulation (EU) 2016/1719 shall have a legal form as referred to in Annex II to Directive (EU) 2017/1132 of the European Parliament and of the Council.

Amendment

3. ***The entity operating*** the single allocation platform established in accordance with Regulation (EU) 2016/1719 shall have a legal form as referred to in Annex II to Directive (EU) 2017/1132 of the European Parliament and of the Council.

Or. en

Amendment 571

Maria da Graça Carvalho, Pilar del Castillo Vera, Ioan-Rareş Bogdan, Cristian-Silviu Buşoi, Vasile Blaga, Gheorghe Falcă, Massimiliano Salini, Lara Comi, Seán Kelly, Henna Virkkunen, Christian Ehler, Pernille Weiss, Aldo Patriciello, Angelika Winzig

Proposal for a regulation
Article 1 – paragraph 1 – point 6
Regulation (EU) 2019/943
Article 9, paragraph 3

Text proposed by the Commission

3. The single allocation platform established in accordance with Regulation (EU) 2016/1719 shall have a legal form as referred to in Annex II to Directive (EU) 2017/1132 of the European Parliament and of the Council.

Amendment

3. ***The entity operating*** the single allocation platform established in accordance with Regulation (EU) 2016/1719 shall have a legal form as referred to in Annex II to Directive (EU) 2017/1132 of the European Parliament and of the Council.

Or. en

Amendment 572

François-Xavier Bellamy

Proposal for a regulation
Article 1 – paragraph 1 – point 6
Regulation 2019/943
Article 9

Text proposed by the Commission

Amendment

4. The single allocation platform shall: *deleted*

(a) offer trading of long-term transmission rights between each bidding zone and virtual hub; where a bidding zone is not part of a virtual hub it may issue financial long-term transmission rights to a virtual hub or to other bidding zones that are part of the same capacity calculation region;

(b) allocate long-term cross-zonal capacity on a regular basis and in a transparent, market-based and non-discriminatory manner; the frequency of allocation of the long-term cross-zonal capacity shall support the efficient functioning of the forward market;

(c) offer trading of financial transmission rights that shall allow holders of these financial transmission rights to remove exposure to positive and negative price spreads, and with frequent maturities of up to at least three years ahead.

Or. en

Amendment 573
Angelika Niebler

Proposal for a regulation
Article 1 – paragraph 1 – point 6
Regulation 2019/943
Article 9

Text proposed by the Commission

Amendment

4. The single allocation platform shall: *deleted*

(a) offer trading of long-term transmission rights between each bidding zone and virtual hub; where a bidding zone is not part of a virtual hub it may issue financial long-term transmission

rights to a virtual hub or to other bidding zones that are part of the same capacity calculation region;

(b) allocate long-term cross-zonal capacity on a regular basis and in a transparent, market-based and non-discriminatory manner; the frequency of allocation of the long-term cross-zonal capacity shall support the efficient functioning of the forward market;

(c) offer trading of financial transmission rights that shall allow holders of these financial transmission rights to remove exposure to positive and negative price spreads, and with frequent maturities of up to at least three years ahead.

Or. en

Amendment 574

Maria da Graça Carvalho, Pilar del Castillo Vera, Ioan-Rareş Bogdan, Cristian-Silviu Buşoi, Vasile Blaga, Gheorghe Falcă, Massimiliano Salini, Lara Comi, Seán Kelly, Henna Virkkunen, Christian Ehler, Pernille Weiss, Aldo Patriciello, Angelika Winzig

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EU) 2019/943

Article 9, paragraph 4

Text proposed by the Commission

4. The single allocation platform shall:

Amendment

4. The single allocation platform, *on behalf of the transmission system operators*, shall *issue long-term transmission rights or have equivalent measures in place to allow for market participants to hedge price risks across bidding zone borders, unless an assessment of the forward market on the bidding zone borders performed by the competent regulatory authorities shows that there are sufficient hedging opportunities in the concerned bidding zones. Long-term transmission rights shall be allocated on a regular basis, in a transparent, market based and non-discriminatory manner and shall have a*

range of maturities of up to at least three years ahead. The frequency of allocation of the long-term cross-zonal capacity shall support the efficient functioning of the forward market. All TSOs should develop an approach that is aiming to increase the volume of cross-zonal capacities in forward markets and liquidity.

Or. en

Amendment 575

András Gyürk, Ernő Schaller-Baross

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EU) 2019/943

Article 9 – paragraph 4

Text proposed by the Commission

4. The single allocation platform shall:

Amendment

4. ***On behalf of the transmission system operators*** the single allocation platform shall:

Or. en

Amendment 576

András Gyürk, Ernő Schaller-Baross

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EU) 2019/943

Article 9 – paragraph 4 – point a

Text proposed by the Commission

(a) offer trading of long-term transmission rights between each bidding zone and virtual hub; where a bidding zone is not part of a virtual hub it may issue financial long-term transmission rights to a virtual hub or to other bidding zones that are part of the same capacity calculation region;

Amendment

deleted

Amendment 577**Morten Petersen, Klemen Grošelj, Ivars Ijabs****Proposal for a regulation****Article 1 – paragraph 1 – point 6**

Regulation (EU) 2019/943

Article 9, paragraph 4, subparagraph a

Text proposed by the Commission

(a) offer trading of long-term transmission rights between each bidding zone and virtual *hub*; *where a bidding zone is not part of a virtual hub it may issue financial long-term transmission rights to a virtual hub or to other bidding zones that are part of the same capacity calculation region*;

Amendment

(a) offer, *on behalf of TSOs*, trading of long-term transmission rights between each bidding zone and virtual *hubs*; *or between bidding zones of the same capacity calculation region; alternatively, where similar hedging products are already offered and well established by market operators, the single allocation platform may offer transmission rights that are fully equivalent to such products as a supporting mechanism to increase hedging opportunities*;

Or. en

Amendment 578**András Gyürk, Ernő Schaller-Baross****Proposal for a regulation****Article 1 – paragraph 1 – point 6**

Regulation (EU) 2019/943

Article 9 – paragraph 4 – point c

Text proposed by the Commission

(c) offer trading of financial transmission rights that shall allow holders of these financial transmission rights to remove exposure to *positive and negative* price spreads, and with frequent maturities of up to at least *three years* ahead.

Amendment

(c) offer trading of financial transmission rights that shall allow holders of these financial transmission rights to remove exposure to price spreads, and with frequent maturities of up to at least *one year* ahead;

Or. en

Amendment 579
François-Xavier Bellamy

Proposal for a regulation
Article 1 – paragraph 1 – point 6
Regulation 2019/943
Article 9

Text proposed by the Commission

Amendment

5. *Where a regulatory authority considers that there are insufficient hedging opportunities available for market participants, and after consultation of relevant financial market competent authorities in case the forward markets concern financial instruments as defined under Article 4(1)(15), it may require power exchanges or transmission system operators to implement additional measures, such as market-making activities, to improve the liquidity of the forward market. Subject to compliance with Union competition law and with Directive (EU) 2014/65 and Regulations (EU) 648/2012 and 600/2014, market operators shall be free to develop forward hedging products, including long-term forward hedging products, to provide market participants, including owners of power-generating facilities using renewable energy sources, with appropriate possibilities for hedging financial risks against price fluctuations. Member States shall not require that such hedging activity may be limited to trades within a Member State or bidding zone.*

deleted

Or. en

Amendment 580
Henna Virkkunen

Proposal for a regulation
Article 1 – paragraph 1 – point 6
Regulation (EU) 2019/943

Text proposed by the Commission

Amendment

5. Where a regulatory authority considers that there are insufficient hedging opportunities available for market participants, and after consultation of relevant financial market competent authorities in case the forward markets concern financial instruments as defined under Article 4(1)(15), it may require power exchanges or transmission system operators to implement additional measures, such as market-making activities, to improve the liquidity of the forward market. Subject to compliance with Union competition law and with Directive (EU) 2014/65 and Regulations (EU) 648/2012 and 600/2014, market operators shall be free to develop forward hedging products, including long-term forward hedging products, to provide market participants, including owners of power-generating facilities using renewable energy sources, with appropriate possibilities for hedging financial risks against price fluctuations. Member States shall not require that such hedging activity may be limited to trades within a Member State or bidding zone.

deleted

Or. en

Amendment 581

Morten Petersen, Ivars Ijabs

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EU) 2019/943

Article 9, paragraph 5

Text proposed by the Commission

Amendment

5. Where a regulatory authority considers that there are insufficient hedging opportunities available for market participants, and after consultation of

5. *In addition to the provisions above*, where a regulatory authority considers that there are *still* insufficient hedging opportunities available for market

relevant financial market competent authorities in case the forward markets concern financial instruments as defined under Article 4(1)(15), it may require power exchanges or transmission system operators to implement additional measures, such as market-making activities, to improve the liquidity of the forward market. ***Subject to compliance with Union competition law and with Directive (EU) 2014/65 and Regulations (EU) 648/2012 and 600/2014, market operators shall be free to develop forward hedging products, including long-term forward hedging products, to provide market participants, including owners of power-generating facilities using renewable energy sources, with appropriate possibilities for hedging financial risks against price fluctuations. Member States shall not require that such hedging activity may be limited to trades within a Member State or bidding zone.***

participants, and after consultation of relevant financial market competent authorities in case the forward markets concern financial instruments as defined under Article 4(1)(15), it may require power exchanges or transmission system operators to implement additional ***supporting*** measures, such as market-making activities, to improve the liquidity of the forward market ***and*** hedging ***possibilities of*** market participants.

Or. en

Amendment 582

Maria da Graça Carvalho, Ioan-Rareş Bogdan, Cristian-Silviu Buşoi, Vasile Blaga, Gheorghe Falcă, Massimiliano Salini, Lara Comi, Seán Kelly, Henna Virkkunen, Christian Ehler, Pernille Weiss, Aldo Patriciello, Angelika Winzig

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EU) 2019/943

Article 9, paragraph 5

Text proposed by the Commission

5. Where ***a regulatory authority*** considers that there are insufficient hedging opportunities available for market participants, and after consultation of relevant financial market competent authorities in case the forward markets concern financial instruments as defined under Article 4(1)(15), ***it*** may require power exchanges or transmission system operators to implement additional

Amendment

5. Where ***the study referred to in paragraph -1a*** considers that there are insufficient hedging opportunities available for market participants, and after consultation of relevant financial market competent authorities in case the forward markets concern financial instruments as defined under Article 4(1)(15), ***national regulatory authorities*** may require power exchanges or transmission system

measures, such as market-making activities, to improve the liquidity of the forward market. Subject to compliance with Union competition law and with Directive (EU) 2014/65 and Regulations (EU) 648/2012 and 600/2014, market operators shall be free to develop forward hedging products, including long-term forward hedging products, to provide market participants, including owners of power-generating facilities using renewable energy sources, with appropriate possibilities for hedging financial risks against price fluctuations. Member States shall not require that such hedging activity may be limited to trades within a Member State or bidding zone.

operators to implement ***market-based tendering processes for the establishment of*** additional measures, such as market-making activities, to improve the liquidity of the forward market. Subject to compliance with Union competition law and with Directive (EU) 2014/65 and Regulations (EU) 648/2012 and 600/2014, market operators shall be free to develop forward hedging products, including long-term forward hedging products, to provide market participants, including owners of power-generating facilities using renewable energy sources, with appropriate possibilities for hedging financial risks against price fluctuations. Member States shall not require that such hedging activity may be limited to trades within a Member State or bidding zone.

Or. en

Amendment 583

András Gyürk, Ernő Schaller-Baross

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EU) 2019/943

Article 9 – paragraph 5

Text proposed by the Commission

5. Where a regulatory authority considers that there are insufficient hedging opportunities available for market participants, and after consultation of relevant financial market competent authorities in case the forward markets concern financial instruments as defined under Article 4(1)(15), it may require power exchanges ***or transmission system operators*** to implement additional measures, such as market-making activities, to improve the liquidity of the forward market. Subject to compliance with Union competition law and with Directive (EU) 2014/65 and Regulations (EU) 648/2012 and 600/2014, market

Amendment

5. Where a regulatory authority considers that there are insufficient hedging opportunities available for market participants, and after consultation of relevant financial market competent authorities in case the forward markets concern financial instruments as defined under Article 4(1)(15), it may require power exchanges to implement additional measures, such as market-making activities, to improve the liquidity of the forward market. Subject to compliance with Union competition law and with Directive (EU) 2014/65 and Regulations (EU) 648/2012 and 600/2014, market operators shall be free to develop forward

operators shall be free to develop forward hedging products, including long-term forward hedging products, to provide market participants, including owners of power-generating facilities using renewable energy sources, with appropriate possibilities for hedging financial risks against price fluctuations. Member States shall not require that such hedging activity may be limited to trades within a Member State or bidding zone.

hedging products, including long-term forward hedging products, to provide market participants, including owners of power-generating facilities using renewable energy sources, with appropriate possibilities for hedging financial risks against price fluctuations. Member States shall not require that such hedging activity may be limited to trades within a Member State or bidding zone.

Or. en

Amendment 584

Sara Skyttedal, Tomas Tobé

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EU) 2019/943

Article 10a

Text proposed by the Commission

Amendment

5a. (6 a) This regulation does not imply any cap on market revenues obtained from the generation of electricity if an electricity price crisis is declared.

Or. en

Amendment 585

Marina Mesure, Manon Aubry, Emmanuel Maurel, Marc Botenga

Proposal for a regulation

Article 1 – paragraph 1 – point 6 a (new)

REGULATION (EU) 2019/943

Article 10a

Present text

Amendment

Insertion of a new article 10a

(6 a) The following article 10a is inserted :

"Article 10a Cap on market revenues of electricity producers and profits of

electricity suppliers

1. Member States shall apply a cap on market revenues of producers obtained from the generation of electricity and to profits of suppliers obtained from the sale of electricity.

2. Market revenues of producers obtained from the generation of electricity shall be capped to a maximum of 80 EUR per MWh of electricity produced. The cap shall apply to the market revenues obtained from the sale of electricity.

3. Surplus profits of suppliers obtained from the sale of electricity shall be capped to a maximum of 3,5 EUR per MWh. The cap shall apply to profits obtained from the sale of electricity to final consumers.

4. Member States shall ensure that the cap targets all the market revenues of producers and intermediaries participating in electricity wholesale markets on behalf of producers, regardless of the market timeframe in which the transaction takes place and of whether the electricity is traded bilaterally or in a centralised marketplace.

5. Member States shall put effective measures in place to prevent a circumvention of the obligations on producers pursuant to paragraph 4. They shall in particular make sure that the cap on market revenues is effectively applied in cases where producers are controlled, or partially owned, by other undertakings, in particular where they are part of a vertically integrated undertaking.

6. Member States may decide:

a) whether to apply the cap on revenues at the settlement of the exchange of energy or thereafter;

b) set a higher cap on market revenues for producers generating electricity from the sources listed in paragraph 2, provided that their investments and operating costs exceed the maximum set in paragraph 2; the maximum cap shall reflect the cost of

production and amortization for each electricity generation producer; Relevant member state authorities may base their assessment of the individualised cap based on electricity producer accountability.

7. Producers, intermediaries and relevant market participants, as well as system operators where relevant, shall provide to competent authorities of Member States and, where relevant, to the system operators and nominated electricity market operators, all necessary data for the application of the cap referred to in paragraph 1, including on the electricity produced and the related market revenues, regardless of the market timeframe in which the transaction takes place and of whether the electricity is traded bilaterally, within the same undertaking or in a centralised marketplace.

8. Revenues collected from the application of the cap on market revenues referred to in paragraph 1 shall be used to finance the measures adopted by the Member States to address an electricity price crisis declared pursuant to Article 66a of [revised EMD Directive] or, when an electricity crisis has not been declared, to support SMEs, vulnerable and energy poor final consumers in paying their electricity bill.

9. Within one year after the entry into force of the revised regulation, and later on demand of electricity producers, national energy regulators shall establish a cap on market revenues for each electricity generation producer of a capacity above 20MW reflecting to the costs of production and amortization of each generation capacity. The cap on revenues shall be updated every year to reflect the cost of inflation."

Or. en

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02019R0943-20220623>)

Justification

A cap on revenues of electricity producers is already implemented in the EU as an exceptional measure and shall be extended to avoid windfall profits and skyrocketing inflation. Later, a cap adapted to each generation capacity shall be calculated to take into account cost differences. Also, a cap on profits of suppliers would ensure that limitation of revenues of producers has a positive impact on the bill of final consumers.

Amendment 586

Michael Bloss

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 6 a (new)

Article 10a

Electricity Regulation

Text proposed by the Commission

Amendment

(6a) By December 2025, the Commission shall submit a report to the European Parliament and to the Council assessing different options for the introduction of a temporary relief valve mechanism in view of the experience with those mechanisms at international level and of the evolution and new developments in the Union electricity market. That report shall, where appropriate, be accompanied by a legislative proposal.

Or. en

Amendment 587

Marina Mesure, Marc Botenga

Proposal for a regulation

Article 1 – paragraph 1 – point 6 b (new)

REGULATION (EU) 2019/943

Article 13

Present text

Amendment

(6 b) Article 13 is replaced by the following :

Redispatching1. The redispatching of generation and redispatching of demand response shall be based on objective, transparent and non-discriminatory criteria. It shall be open to all generation technologies, all energy storage and all demand response, including those located in other Member States unless technically not feasible.2. The resources that are redispatched shall be selected from among generating facilities, energy storage or demand response **using market-based mechanisms and** shall be financially compensated. Balancing energy bids used for redispatching shall not set the balancing energy price.3. **Non-market-based redispatching of generation, energy storage and demand response may only be used where:(a) no market-based alternative is available;(b) all available market-based resources have been used;(c) the number of available power generating, energy storage or demand response facilities is too low to ensure effective competition in the area where suitable facilities for the provision of the service are located; or(d) the current grid situation leads to congestion in such a regular and predictable way that market-based redispatching would lead to regular strategic bidding which would increase the level of internal congestion and the Member State concerned either has adopted an action plan to address this congestion or ensures that minimum available capacity for cross-zonal trade is in accordance with Article 16(8).**4. The transmission system operators and distribution system operators shall report at least annually to the competent regulatory authority, on:(a) the level of development and effectiveness of market-based redispatching mechanisms for power generating, energy storage and demand response facilities;(b) the reasons, volumes in MWh and type of generation source subject to redispatching;(c) the measures taken to reduce the need for the downward redispatching of generating installations using renewable energy sources or high-

"Redispatching1. The redispatching of generation and redispatching of demand response shall be based on objective, transparent and non-discriminatory criteria. It shall be open to all generation technologies, all energy storage and all demand response, including those located in other Member States unless technically not feasible.2. The resources that are redispatched shall be selected from among generating facilities, energy storage or demand response shall be financially compensated. Balancing energy bids used for redispatching shall not set the balancing energy price.3. The transmission system operators and distribution system operators shall report at least annually to the competent regulatory authority, on:(a) the level of development and effectiveness of market-based redispatching mechanisms for power generating, energy storage and demand response facilities;(b) the reasons, volumes in MWh and type of generation source subject to redispatching;(c) the measures taken to reduce the need for the downward redispatching of generating installations using renewable energy sources or high-efficiency cogeneration in the future including investments in digitalisation of the grid infrastructure and in services that increase flexibility.The regulatory authority shall submit the report to ACER and shall publish a summary of the data referred to in points (a), (b) and (c) of the first subparagraph together with recommendations for improvement where necessary.4. Subject to requirements relating to the maintenance of the reliability and safety of the grid, based on transparent and non-discriminatory criteria established by the regulatory authorities, transmission system operators and distribution system operators shall:(a) guarantee the capability of transmission networks and distribution networks to transmit electricity produced from renewable energy sources or high-efficiency cogeneration with minimum possible redispatching, which shall not prevent network planning from taking into

efficiency cogeneration in the future including investments in digitalisation of the grid infrastructure and in services that increase flexibility. The regulatory authority shall submit the report to ACER and shall publish a summary of the data referred to in points (a), (b) and (c) of the first subparagraph together with recommendations for improvement where necessary.

5. Subject to requirements relating to the maintenance of the reliability and safety of the grid, based on transparent and non-discriminatory criteria established by the regulatory authorities, transmission system operators and distribution system operators shall:

- (a) guarantee the capability of transmission networks and distribution networks to transmit electricity produced from renewable energy sources or high-efficiency cogeneration with minimum possible redispatching, which shall not prevent network planning from taking into account limited redispatching where the transmission system operator or distribution system operator is able to demonstrate in a transparent way that doing so is more economically efficient and does not exceed 5 % of the annual generated electricity in installations which use renewable energy sources and which are directly connected to their respective grid, unless otherwise provided by a Member State in which electricity from power-generating facilities using renewable energy sources or high-efficiency cogeneration represents more than 50 % of the annual gross final consumption of electricity;
- (b) take appropriate grid-related *and market-related* operational measures in order to minimise the downward redispatching of electricity produced from renewable energy sources or from high-efficiency cogeneration;
- (c) ensure that their networks are sufficiently flexible so that they are able to manage them.

6. Where non-market-based downward redispatching is used, the following principles shall apply:

- (a) power-generating facilities using renewable

- account limited redispatching where the transmission system operator or distribution system operator is able to demonstrate in a transparent way that doing so is more economically efficient and does not exceed 5 % of the annual generated electricity in installations which use renewable energy sources and which are directly connected to their respective grid, unless otherwise provided by a Member State in which electricity from power-generating facilities using renewable energy sources or high-efficiency cogeneration represents more than 50 % of the annual gross final consumption of electricity;
- (b) take appropriate grid-related operational measures in order to minimise the downward redispatching of electricity produced from renewable energy sources or from high-efficiency cogeneration;
- (c) ensure that their networks are sufficiently flexible so that they are able to manage them.

5. Where non-market-based downward redispatching is used, the following principles shall apply:

- (a) power-generating facilities using renewable energy sources shall only be subject to downward redispatching if no other alternative exists or if other solutions would result in significantly disproportionate costs or severe risks to network security;
- (b) electricity generated in a high-efficiency cogeneration process shall only be subject to downward redispatching if, other than downward redispatching of power-generating facilities using renewable energy sources, no other alternative exists or if other solutions would result in disproportionate costs or severe risks to network security;
- (c) self-generated electricity from generating installations using renewable energy sources or high-efficiency cogeneration which is not fed into the transmission or distribution network shall not be subject to downward redispatching unless no other solution would resolve network security issues;
- (d) downward redispatching under points (a), (b) and (c) shall be duly and

energy sources shall only be subject to downward redispatching if no other alternative exists or if other solutions would result in significantly disproportionate costs or severe risks to network security;(b) electricity generated in a high-efficiency cogeneration process shall only be subject to downward redispatching if, other than downward redispatching of power-generating facilities using renewable energy sources, no other alternative exists or if other solutions would result in disproportionate costs or severe risks to network security;(c) self-generated electricity from generating installations using renewable energy sources or high-efficiency cogeneration which is not fed into the transmission or distribution network shall not be subject to downward redispatching unless no other solution would resolve network security issues;(d) downward redispatching under points (a), (b) and (c) shall be duly and transparently justified. The justification shall be included in the report under paragraph 3.7. Where non-market based redispatching is used, it shall be subject to financial compensation by the system operator requesting the redispatching to the operator of the redispatched generation, energy storage or demand response facility except in the case of producers that have accepted a connection agreement under which there is no guarantee of firm delivery of energy. Such financial compensation shall be at least equal to the higher of the following elements or a combination of both if applying only the higher would lead to an unjustifiably low or an unjustifiably high compensation:(a) additional operating cost caused by the redispatching, such as additional fuel costs in the case of upward redispatching, or backup heat provision in the case of downward redispatching of power-generating facilities using high-efficiency cogeneration;(b) net revenues from the sale of electricity on the day-ahead market that the power-generating, energy storage or demand response facility would have

transparently justified. The justification shall be included in the report under paragraph 3.6. Where non-market based redispatching is used, it shall be subject to financial compensation by the system operator requesting the redispatching to the operator of the redispatched generation, energy storage or demand response facility except in the case of producers that have accepted a connection agreement under which there is no guarantee of firm delivery of energy. Such financial compensation shall be at least equal to the higher of the following elements or a combination of both if applying only the higher would lead to an unjustifiably low or an unjustifiably high compensation:(a) additional operating cost caused by the redispatching, such as additional fuel costs in the case of upward redispatching, or backup heat provision in the case of downward redispatching of power-generating facilities using high-efficiency cogeneration;(b) net revenues from the sale of electricity on the day-ahead market that the power-generating, energy storage or demand response facility would have generated without the redispatching request; where financial support is granted to power-generating, energy storage or demand response facilities based on the electricity volume generated or consumed, financial support that would have been received without the redispatching request shall be deemed to be part of the net revenues."

generated without the redispatching request; where financial support is granted to power-generating, energy storage or demand response facilities based on the electricity volume generated or consumed, financial support that would have been received without the redispatching request shall be deemed to be part of the net revenues.

Or. en

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02019R0943-20220623>)

Justification

Redispatching, as the main tool to ensure resilience of the grid to match offer and demand of electricity and avoid congestion, shall not be in priority subject to market-based approach. TSOs need more maneuver to implement this tool, especially in a context for rising use of renewable energy generation.

Amendment 588

Marina Mesure, Marc Botenga

Proposal for a regulation

Article 1 – paragraph 1 – point 6 c (new)

REGULATION (EU) 2019/943

Article 16

Present text

1. Network congestion problems shall be addressed with non-discriminatory **market-based** solutions ***which give efficient economic signals to the market participants and transmission system operators involved***. Network congestion problems shall be solved by means of non-transaction-based methods, namely methods that do not involve a selection between the contracts of individual market participants. When taking operational measures to ensure that its transmission system remains in the normal state, the transmission system operator shall take into account the effect of those measures

Amendment

(6 c) Article 16 (1) is replaced by the following :

"1. Network congestion problems shall be addressed with non-discriminatory solutions. Network congestion problems shall be solved by means of non-transaction-based methods, namely methods that do not involve a selection between the contracts of individual market participants. When taking operational measures to ensure that its transmission system remains in the normal state, the transmission system operator shall take into account the effect of those measures on neighbouring control areas and coordinate such measures with other affected transmission system operators as

on neighbouring control areas and coordinate such measures with other affected transmission system operators as provided for in Regulation (EU) 2015/1222.

provided for in Regulation (EU) 2015/1222."

Or. en

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02019R0943-20220623>)

Justification

In line with the amendment on article 13, this amendment underlines the need for TSOs to deal with the likely increasing grid challenges (congestion, intermittence) without being impaired by overriding market-based considerations.

Amendment 589

Marina Measure, Marc Botenga

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point -a (new)

REGULATION (EU) 2019/943

Article 18

Present text

1. Charges applied by network operators for access to networks, including charges for connection to the networks, charges for use of networks, and, where applicable, charges for related network reinforcements, shall be cost-reflective, transparent, take into account the need for network security and flexibility and reflect actual costs incurred ***insofar as they correspond to those of an efficient and structurally comparable network operator and are applied in a non-discriminatory manner.*** Those charges shall not include unrelated costs supporting unrelated policy objectives.

Amendment

(-a) Article 18 (1) is replaced by the following

"1. Charges applied by network operators for access to networks, including charges for connection to the networks, charges for use of networks, ***charges for the reinforcement of electricity storage*** and, where applicable, charges for related network reinforcements, shall be cost-reflective, transparent, take into account the need for network security and flexibility and reflect actual costs incurred. Those charges shall not include unrelated costs supporting unrelated policy objectives."

Or. en

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02019R0943-20220623>)

Justification

TSOs will face increasing investments in the network in a context of multiplication of electricity producers and the reinforcement of renewable energy. Since market-based approach does not succeed to remunerate adequately flexibility owners, TSOs and DSOs shall own on peak generation capacity and storage of electricity, which incurs a cost for these entities. Also, TSOs and DSOs, as carrying out a public service mission, shall not be subject to an assessment of their action solely based on their economic efficiency.

Amendment 590

Morten Petersen, Klemen Grošelj, Emma Wiesner, Susana Solís Pérez, Ivars Ijabs

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point a

Regulation (EU) 2019/943

Article 18, paragraph 2

Text proposed by the Commission

2. Tariff methodologies shall reflect the fixed costs of transmission system operators and distribution system operators and shall consider **both** capital and operational expenditure to provide appropriate incentives to transmission system operators and distribution system operators over both the short and long run, including anticipatory investments, in order to increase efficiencies, including energy efficiency, to foster market integration and security of supply, to support the use of flexibility services, efficient investments including solutions to optimise the existing grid and facilitate demand response and related research activities, and to facilitate innovation in the interest of consumers in areas such as digitalisation, flexibility services and interconnection;

Amendment

2. Tariff methodologies shall reflect the fixed costs of transmission system operators and distribution system operators and shall consider capital and operational expenditure, **or an efficient combination of both**, to provide appropriate incentives to transmission system operators and distribution system operators over both the short and long run, including anticipatory investments, in order to increase efficiencies, including energy efficiency, to foster market integration and security of supply, to support the use of flexibility services, efficient **and cost-effective** investments **and network infrastructure reinforcement to facilitate the energy transition** including solutions to optimise the existing **grid and ensure the development of a smart** grid and facilitate demand response and related research activities, and to facilitate innovation in the interest of consumers in areas such as digitalisation, flexibility services and interconnection, **more specifically to develop the required infrastructure to reach the minimum 15% electricity interconnection targets set out in point (1) of Article 4(d) of Regulation (EU) 2018/1999.**

In setting anticipatory investments, regulatory authorities shall take careful consideration of the electricity network needs reflected in national or local development plans for energy, electric transport and heating sectors, including renewable acceleration areas, plans for electric vehicle charging infrastructure and for heat pump deployment, where applicable.

The regulatory authorities in collaboration with transmission and distribution system operators shall develop a framework to assess whether transmission and distribution system operators adequately consider in their network development plans all types of anticipatory investments described above and adequate cost-benefit analysis methodology for assessing the impact of such investments;

Network tariffs should be designed to provide the right incentives to system operators by combining a timely recognition of traditional investments in physical networks and adequate returns, with a flexible reflection of operational cost. Any obstacle in national regulation to the necessary and efficient investments must be abolished.

Or. en

Amendment 591

Michael Bloss

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point a

Article 18 – 2

Electricity Regulation

Text proposed by the Commission

2. Tariff methodologies shall reflect the fixed costs of transmission system operators and distribution system operators

Amendment

2. Tariff methodologies shall reflect the fixed costs of transmission system operators and distribution system operators

and shall consider both capital and operational expenditure to provide appropriate incentives to transmission system operators and distribution system operators over both the short and long run, including anticipatory investments, in order to increase efficiencies, including energy efficiency, to foster market integration and security of supply, to support the use of flexibility services, efficient investments including solutions to optimise the existing grid and facilitate demand response and related research activities, and to facilitate innovation in the interest of consumers in areas such as digitalisation, flexibility services and interconnection;

and shall consider both capital and operational expenditure to provide appropriate incentives to transmission system operators and distribution system operators over both the short and long run, including anticipatory investments, in order to increase efficiencies, including energy efficiency, to foster market integration and security of supply, to support the use of flexibility services, efficient investments including solutions to optimise the existing grid and facilitate demand response and related research activities, and to facilitate innovation in the interest of consumers in areas such as digitalisation, flexibility services and interconnection, ***including the required infrastructure to reach at least the 15% target by 2030 set out in point (1) of Article 4(d) of Regulation (EU) 2018/1999.***

Tariff methodologies shall be appropriate and cost-reflective with regard to future network investments if charges are time-varying.

Or. en

Amendment 592
Susana Solís Pérez

Proposal for a regulation
Article 1 – paragraph 1 – point 7 – point a
Regulation (EU) 2019/943
Article 18 – Paragraph 2

Text proposed by the Commission

2. Tariff methodologies shall reflect the fixed costs of transmission system operators and distribution system operators and shall consider both capital and operational expenditure to provide appropriate incentives to transmission system operators and distribution system operators over both the short and long run, including anticipatory investments, in order to increase efficiencies, including energy

Amendment

2. Tariff methodologies shall reflect the fixed costs of transmission system operators and distribution system operators and shall consider both capital and operational expenditure to provide appropriate incentives to transmission system operators and distribution system operators over both the short and long run, including anticipatory investments, in order to increase efficiencies, including energy

efficiency, to foster market integration and security of supply, to support the use of flexibility services, efficient investments including solutions to optimise the existing grid and facilitate demand response and related research activities, and to facilitate innovation in the interest of consumers in areas such as digitalisation, flexibility services and interconnection;

efficiency, to foster market integration and security of supply, to support the use of flexibility services, efficient **and cost-effective** investments including solutions to optimise the existing grid and **ensure the development of a smart grid and** facilitate demand response **together with increasing the integration of renewable energy** and related research activities, and to facilitate innovation in the interest of consumers in areas such as digitalisation, flexibility services and **interconnections, more specifically to develop the required infrastructure to reach the minimum 15% electricity** interconnection **targets set out in point (1) of Article 4(d) of Regulation (EU) 2018/1999** .

Or. en

Justification

The current shift towards electrification coupled with the need to further integrate renewables requires both investments in new grid infrastructure and to reinforce the existing one. This must also be reflected in network tariff methodologies. Lower grid access tariffs should also be promoted during peak renewable production hours to encourage flexibility, storage and consumption during those hours. The achievement of the electricity interconnection target of at least 15% for 2030 is essential to efficiently integrate into the European electricity system the renewable energy produced in regions with high renewables potential.

Amendment 593

Maria da Graça Carvalho, Pilar del Castillo Vera, Massimiliano Salini, Lara Comi, Seán Kelly, Henna Virkkunen, Markus Pieper, Christian Ehler, Pernille Weiss, Aldo Patriciello, Angelika Winzig

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point a
Regulation (EU) 2019/943
Article 18, paragraph 2

Text proposed by the Commission

2. Tariff methodologies shall reflect the fixed costs of transmission system operators and distribution system operators and shall consider **both** capital and operational expenditure to provide appropriate incentives to transmission

Amendment

2. Tariff methodologies shall reflect the fixed costs of transmission system operators and distribution system operators and shall consider capital and operational expenditure to provide appropriate incentives to transmission system operators

system operators and distribution system operators over both the short and long run, including anticipatory investments, in order to increase efficiencies, including energy efficiency, to foster market integration and security of supply, to support the use of flexibility services, efficient investments including solutions to optimise the existing grid and facilitate demand response and related research activities, and to facilitate innovation in the interest of consumers in areas such as digitalisation, flexibility services and interconnection;

and distribution system operators over both the short and long run, including anticipatory investments, in order to ***invest in network infrastructure reinforcement to facilitate the energy transition and in the additional physical and digital network elements needed to reach the objectives set out in the national energy and climate plans, while at the same time*** increase ***overall system*** efficiencies, including energy efficiency, to foster market integration and security of supply, to support the use of flexibility services, efficient investments, including solutions to optimise the existing grid and facilitate ***flexibility services and*** demand response and related research activities, and to facilitate innovation in the interest of consumers in areas such as digitalisation, flexibility services and interconnection.

Or. en

Amendment 594

Jerzy Buzek

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point a

Regulation (EU) 2019/943

Article 18, paragraph 2

Text proposed by the Commission

2. Tariff methodologies shall reflect the fixed costs of transmission system operators and distribution system operators and shall consider both capital and operational expenditure to provide appropriate incentives to transmission system operators and distribution system operators over both the short and long run, including anticipatory investments, in order to increase efficiencies, including energy efficiency, to foster market integration and security of supply, to support the use of flexibility services, efficient investments including solutions to optimise the existing grid and facilitate demand response and

Amendment

2. Tariff methodologies shall reflect the fixed costs of transmission system operators and distribution system operators and shall consider both capital and operational expenditure to provide appropriate incentives to transmission system operators and distribution system operators over both the short and long run, including anticipatory investments, in order to increase efficiencies, including energy efficiency, to foster market integration and security of supply, to support the use of flexibility services, efficient investments including solutions to optimise the existing grid and facilitate demand response and

related research activities, and to facilitate innovation in the interest of consumers in areas such as digitalisation, flexibility services **and** interconnection;

related research activities, and to facilitate innovation in the interest of consumers in areas such as digitalisation, flexibility services, interconnection **and to provide locational investment signals, e.g. geographically differentiated tariffs, incentives via tariff structure, to reduce redispatching and power grid reinforcement costs;**

Or. en

Justification

Electricity grid reinforcement may become one of the main bottlenecks in EU energy transition, as it will be costly and time-consuming. To reduce the need for power grid reinforcement, a market reform that is future-proofed must be implemented and rely on more granular locational investment signals for the location and dispatch of new generation and demand.

Amendment 595 **Pernille Weiss**

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point a

(COM(2023)0148 – C9–0049/2023 – 2023/0077(COD))

Article 18 – para 2

Text proposed by the Commission

2. Tariff methodologies shall reflect the fixed costs of transmission system operators and distribution system operators and shall consider both capital and operational expenditure to provide appropriate incentives to transmission system operators and distribution system operators over both the short and long run, including anticipatory investments, in order to increase efficiencies, including energy efficiency, to foster market integration and security of supply, to support the use of flexibility services, efficient investments including solutions to optimise the existing grid and facilitate demand response and related research activities, and to facilitate innovation in the interest of consumers in areas such as digitalisation, flexibility

Amendment

2. Tariff methodologies shall reflect the fixed costs of transmission system operators and distribution system operators and shall consider both capital and operational expenditure to provide appropriate incentives to transmission system operators and distribution system operators over both the short and long run, including anticipatory investments, in order to increase **overall** efficiencies, including **integration of renewables**, energy efficiency, to foster market integration and security of supply, to support the use of flexibility services, efficient investments including solutions to optimise the existing grid and facilitate demand response and related research activities, and to facilitate innovation in the interest of consumers in

services and interconnection;

areas such as digitalisation, flexibility services and interconnection;

Or. en

Amendment 596

Morten Petersen, Claudia Gamon, Klemen Grošelj, Emma Wiesner, Susana Solís Pérez, Ivars Ijabs

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point a

Regulation (EU) 2019/943

Article 18, paragraph 2b

Text proposed by the Commission

Amendment

2a. Tariff methodologies shall not allow for double network charges and taxation.

Or. en

Amendment 597

Michael Bloss

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point b

Article 18 – 8

Electricity regulation

Text proposed by the Commission

Amendment

8. Transmission and distribution tariff methodologies shall provide incentives to transmission and distribution system operators for the most cost-efficient operation and development of their networks including through the procurement of services. For that purpose, regulatory authorities shall recognise relevant costs as eligible, shall include those costs in transmission and distribution tariffs, and shall introduce performance targets in order to provide incentives to transmission and distribution system

8. Transmission and distribution tariff methodologies shall provide incentives to transmission and distribution system operators for the most cost-efficient operation and development of their networks including through the procurement of services. For that purpose, regulatory authorities shall recognise relevant costs as eligible, **including those related to anticipatory investments**, shall include those costs in transmission and distribution tariffs, and shall introduce performance targets in order to provide

operators to increase efficiencies in their networks, including through energy efficiency, the use of flexibility services and the development of smart grids and intelligent metering systems.

incentives to transmission and distribution system operators to ***keep grid permitting and connection periods for renewable generation, electric vehicle recharging infrastructure and grid-facing storage to a maximum of six months when no grid reinforcement is needed, and one year in cases a reinforcement is needed, and to*** increase efficiencies in their networks, including through energy efficiency, the use of flexibility services and the development of smart grids and intelligent metering systems.

Or. en

Amendment 598

Maria da Graça Carvalho, Pilar del Castillo Vera, Massimiliano Salini, Lara Comi, Seán Kelly, Henna Virkkunen, Markus Pieper, Christian Ehler, Pernille Weiss, Aldo Patriciello, Angelika Winzig

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point b

Regulation (EU) 2019/943

Article 18, paragraph 8

Text proposed by the Commission

8. Transmission and distribution tariff methodologies shall provide incentives to transmission and distribution system operators for the most cost-efficient operation and development of their networks including through the procurement of services. For that purpose, regulatory authorities shall recognise relevant costs as eligible, shall include those costs in transmission and distribution tariffs, and ***shall*** introduce performance targets in order to provide incentives to transmission and distribution system operators to increase ***efficiencies*** in their networks, including through energy efficiency, the use of flexibility services and the development of smart grids and intelligent metering systems.

Amendment

8. Transmission and distribution tariff methodologies shall provide incentives to transmission and distribution system operators for the most cost-efficient operation and development of their networks including through the procurement of services. For that purpose, regulatory authorities shall recognise relevant costs as eligible, shall include those costs in transmission and distribution tariffs, and ***where applicable, may*** introduce performance targets in order to provide incentives to transmission and distribution system operators to increase ***overall system efficiency, quality and security of supply*** in their networks, including through energy efficiency, the use of flexibility ***and demand response*** services and the development of smart grids and intelligent metering systems, ***in***

accordance with the features of the given electricity system and climate policy objectives

Or. en

Amendment 599

András Gyürk, Ernő Schaller-Baross

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point b

Regulation (EU) 2019/943

Article 18 – paragraph 8

Text proposed by the Commission

8. Transmission and distribution tariff methodologies shall provide incentives to transmission and distribution system operators for the most cost-efficient operation and development of their networks including through the procurement of services. For that purpose, regulatory authorities shall recognise relevant costs as eligible, shall include those costs in transmission and distribution tariffs, and **shall** introduce performance targets in order to provide incentives to transmission and distribution system operators to increase efficiencies in their networks, including through energy efficiency, the use of flexibility services and the development of smart grids and intelligent metering systems.

Amendment

8. Transmission and distribution tariff methodologies shall provide incentives to transmission and distribution system operators for the most cost-efficient operation and development of their networks including through the procurement of services. For that purpose, regulatory authorities shall recognise relevant costs as eligible, shall include those costs in transmission and distribution tariffs, and **may** introduce, **where applicable, appropriate** performance targets in order to provide incentives to transmission and distribution system operators to increase efficiencies **and quality and security of supply** in their networks, including through energy efficiency, the use of flexibility services and the development of smart grids and intelligent metering systems, **in line with the characteristics of the given electricity system and climate policy objectives**.

Or. en

Justification

The establishment of KPIs based exclusively on efficiency would be too restrictive. The text should also encompass other aspects. Apart from that, NRAs should have flexibility to decide which tariff design is appropriate and fit for purpose. Since keeping track of such KPIs will require additional resources from both NRAs and TSOs, NRAs should decide if they see a benefit in introducing them or not, and they should be aligned with national features in any

case.

Amendment 600

Morten Petersen, Claudia Gamon, Klemen Grošelj, Emma Wiesner, Susana Solís Pérez, Ivars Ijabs

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point b

Regulation (EU) 2019/943

Article 18, paragraph 8

Text proposed by the Commission

8. Transmission and distribution tariff methodologies shall provide incentives to transmission and distribution system operators for the most cost-efficient operation and development of their networks including through the procurement of services. For that purpose, regulatory authorities shall recognise relevant costs as eligible, shall include those costs in transmission and distribution tariffs, and shall introduce performance targets in order to provide incentives to transmission and distribution system operators to increase efficiencies in their networks, including through energy efficiency, the use of flexibility services and the development of smart grids and intelligent metering systems.

Amendment

8. Transmission and distribution tariff methodologies shall provide incentives to transmission and distribution system operators for the most cost-efficient operation and development of their networks including through the procurement of services. For that purpose, regulatory authorities shall recognise relevant costs as eligible, ***including those related to anticipatory investments***, shall include those costs in transmission and distribution tariffs, and shall introduce performance targets in order to provide incentives to transmission and distribution system operators to increase efficiencies in their networks, including through energy efficiency, the use of flexibility services and the development of smart grids and intelligent metering systems.

Or. en

Amendment 601

Pernille Weiss

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point b

(COM(2023)0148 – C9–0049/2023 – 2023/0077(COD))

Article 18 – para 8

Text proposed by the Commission

8. Transmission and distribution tariff

Amendment

8. Transmission and distribution tariff

methodologies shall provide incentives to transmission and distribution system operators for the most cost-efficient operation and development of their networks including through the procurement of services. For that purpose, regulatory authorities shall recognise relevant costs as eligible, *shall* include those costs in transmission and distribution tariffs, and shall introduce performance targets in order to provide incentives to transmission and distribution system operators to increase efficiencies in their networks, including through energy efficiency, the use of flexibility services and the development of smart grids and intelligent metering systems.

methodologies shall provide incentives to transmission and distribution system operators for the most cost-efficient operation and development of their networks including through the procurement of services. For that purpose, regulatory authorities shall recognise relevant costs as eligible, *may* include those costs in transmission and distribution tariffs, and shall introduce performance targets in order to provide incentives to transmission and distribution system operators to increase *overall* efficiencies in their networks, including through energy efficiency, the use of flexibility services and the development of smart grids and intelligent metering systems.

Or. en

Amendment 602

Maria da Graça Carvalho, Pilar del Castillo Vera, Massimiliano Salini, Lara Comi, Seán Kelly, Markus Pieper, Sara Skytvedal, Christian Ehler, Pernille Weiss, Aldo Patriciello, Angelika Winzig

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point d

Regulation (EU) 2019/943

Article 18, paragraph 9, point i

Text proposed by the Commission

(i) incentives for efficient investments in networks, including on *flexibility* resources and flexible connection agreements.

Amendment

(i) incentives for efficient investments in networks, including on *flexible* resources and flexible connection agreements.

Or. en

Amendment 603

Morten Petersen, Christophe Grudler, Claudia Gamon, Klemen Grošelj, Emma Wiesner, Susana Solís Pérez, Ivars Ijabs

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point d

Regulation (EU) 2019/943

Article 18, paragraph 9, point (i)

Text proposed by the Commission

(i) incentives for efficient investments in networks, including on **flexibility** resources and flexible connection agreements.

Amendment

(i) incentives for efficient investments in networks, including on **flexible** resources and flexible connection agreements.

Or. en

Amendment 604

Seán Kelly

Proposal for a regulation

Article 1 – paragraph 1 – point 7 a (new)

Regulation (EU) 2019/943

Article 1 – paragraph 1 – point 9

Text proposed by the Commission

Amendment

(7a) NEW Article 10a European cap on market revenues in case of crisis

1. In case of an electricity price crisis declared pursuant to paragraph 1 of Article 66a of [Revised EMD Directive], Member States shall apply a temporary European cap on market revenues of producers obtained from the generation of electricity for the period of validity of the decision declaring the electricity price crisis as laid down in paragraph 2 of Article 66a of [Revised EMD Directive]. The European price cap shall be accompanied by a European price floor.

2. Market revenues of producers obtained from the generation of electricity shall be capped to a maximum of 180 EUR per MWh of electricity produced. The European price cap shall apply to the market revenues obtained from the sale of electricity produced from the following sources:

(a) wind energy;

(b) solar energy (solar thermal and solar photovoltaic);

- (c) geothermal energy;*
- (d) hydropower without reservoir;*
- (e) biomass fuel (solid or gaseous biomass fuels), excluding bio-methane;*
- (f) waste;*
- (g) nuclear energy;*
- (h) lignite;*
- (i) crude oil and other oil products;*
- (j) peat.*

3. The European price cap provided for in paragraph 1 shall not apply to demonstration projects or to producers whose revenues per MWh of electricity produced are already capped as a result of State measures.

4. Member States shall ensure that the European price cap targets all the market revenues of producers and, where relevant, intermediaries participating in electricity wholesale markets on behalf of producers, regardless of the market timeframe in which the transaction takes place and of whether the electricity is traded bilaterally or in a centralised marketplace. The cap shall not apply to existing or future contractual obligations, such as renewable power purchase agreements and other types of power purchase agreements or forward hedges, where producers do not actually benefit from the high electricity prices during the crisis.

5. The European Commission shall adopt a delegated act specifying the requirements for the European cap implementation, ensuring harmonisation at EU level and that the European price cap is proportionate and non-discriminatory, does not jeopardise investment signals, ensures that the investments costs are covered, does not distort the functioning of electricity wholesale markets, and is compatible with Union law.

6. Producers, intermediaries and relevant market participants, as well as system operators where relevant, shall provide to competent authorities of Member States and, where relevant, to the system operators and nominated electricity market operators, all necessary data for the application of the cap referred to in paragraph 1, including on the electricity produced and the related market revenues, regardless of the market timeframe in which the transaction takes place and of whether the electricity is traded bilaterally, within the same undertaking or in a centralised marketplace. Competent authorities of Member States, System Operators and nominated electricity market operators shall preserve the confidentiality of any commercially sensitive information.

Or. en

Justification

It is fundamental that any price cap that could be introduced in the European Electricity Market Design framework for times of crises has a European scope and avoids fragmentation.

The temporary price cap created by Regulation 2022/1854 on an emergency intervention to address high energy prices has created major fragmentation in the Internal Energy Market. Its heterogenous implementation across Member States (for example, several Member States, as provided for in the Emergency

Regulation opted for a lower cap level below 180 EUR/MWh, differentiated by technology or a different implementation period than provided in the Regulation) has resulted in a patchwork of national measures across the EU, with stakeholders reporting that the linked regulatory uncertainty would end up hindering new investments in the EU.

Amendment 605
Patrizia Toia

Proposal for a regulation
Article 1 – paragraph 1 – point 8 – point a
Regulation (EU) 2019/943
Article 19 – paragraph 2 – point b

Text proposed by the Commission

(b) maintaining or increasing cross-zonal capacities through optimisation of the usage of existing interconnectors by means of coordinated remedial actions, where applicable, or covering costs resulting from network investments that are relevant to reduce interconnector congestion; or

Amendment

(b) maintaining or increasing cross-zonal capacities through optimisation of the usage of existing interconnectors by means of coordinated remedial actions, where applicable, or covering costs resulting from network investments **and non-network actions** that are relevant to reduce interconnector congestion; or

Or. en

Justification

Non-network actions (e.g. dynamic line rating) could increase interconnection capacity without the need to invest in grids.

Amendment 606

András Gyürk, Ernő Schaller-Baross

Proposal for a regulation

Article 1 – paragraph 1 – point 8 – point a

Regulation (EU) 2019/943

Article 19 – paragraph 2 – point b

Text proposed by the Commission

(b) maintaining or increasing cross-zonal capacities through optimisation of the usage of existing interconnectors by means of coordinated remedial actions, where applicable, or covering costs resulting from network investments that are relevant to reduce interconnector congestion; **or**

Amendment

(b) maintaining or increasing cross-zonal capacities through optimisation of the usage of existing interconnectors by means of coordinated remedial actions, where applicable, or covering costs resulting from network investments that are relevant to reduce interconnector congestion;

Or. en

Amendment 607

András Gyürk, Ernő Schaller-Baross

Proposal for a regulation

Article 1 – paragraph 1 – point 8 – point b

Regulation (EU) 2019/943

Article 19 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(b) the following point (c) is added: **deleted**

‘(c) compensating offshore generation plant operators in an offshore bidding zone if access to interconnected markets has been reduced in such a way that one or more transmission system operators have not made enough capacity available on the interconnector or the critical network elements affecting the capacity of the interconnector, resulting in the offshore plant operator not being able to export its electricity generation capability to the market.’

Or. en

Justification

Congestion income should not be used to finance support for offshore generators in hybrid projects nor any generation projects: this is not an effective support mechanism, would de facto be an implicit and non-transparent subsidy paid by consumers, and contradict internal markets principles.

Amendment 608

Zdzisław Krasnodebski

on behalf of the ECR Group

Izabela-Helena Kloc, Elżbieta Kruk

Proposal for a regulation

Article 1 – paragraph 1 – point 8 – point b

Article 19, paragraph 2

point (c)

Text proposed by the Commission

Amendment

(b) the following point (c) is added: **deleted**

‘(c) compensating offshore generation plant operators in an offshore bidding zone if access to interconnected markets has been reduced in such a way that one or more transmission system operators have not made enough capacity available on the interconnector or the critical network elements affecting the capacity of the interconnector, resulting in the

offshore plant operator not being able to export its electricity generation capability to the market.'

Or. en

Justification

Congestion income should not be used to finance offshore generators in hybrid projects. This would introduce a non-transparent subsidy paid by consumers, and therefore lead to socialisation of costs. All technologies, whether onshore or offshore should be treated equally to ensure a level playing field.

Amendment 609

Marina Measure, Marc Botenga

Proposal for a regulation

Article 1 – paragraph 1 – point 8 – point b

REGULATION (EU) 2019/943

Article 19

Text proposed by the Commission

Amendment

(c) compensating offshore generation plant operators in an offshore bidding zone if access to interconnected markets has been reduced in such a way that one or more transmission system operators have not made enough capacity available on the interconnector or the critical network elements affecting the capacity of the interconnector, resulting in the offshore plant operator not being able to export its electricity generation capability to the market. ***deleted***

Or. en

Justification

Compensation shall be made to the TSO to ensure that the network covers all generation capacity. This Commission amendment unjustifiably favors offshore generation plants over other renewable energies. Other support schemes for offshore generation could be considered.

Amendment 610

Morten Petersen, Susana Solís Pérez, Ivars Ijabs

Proposal for a regulation

Article 1 – paragraph 1 – point 8 – point b

Regulation (EU) 2019/943

Article 19, paragraph 2, point (c)

Text proposed by the Commission

Amendment

(c) *compensating offshore generation plant operators in an offshore bidding zone if access to interconnected markets has been reduced in such a way that one or more transmission system operators have not made enough capacity available on the interconnector or the critical network elements affecting the capacity of the interconnector, resulting in the offshore plant operator not being able to export its electricity generation capability to the market.* *deleted*

Or. en

Amendment 611

Maria da Graça Carvalho, Pilar del Castillo Vera, Massimiliano Salini, Lara Comi, Seán Kelly, Markus Pieper, Christian Ehler, Aldo Patriciello

Proposal for a regulation

Article 1 – paragraph 1 – point 8 – point b

Regulation (EU) 2019/943

Article 19, paragraph 2, point c

Text proposed by the Commission

Amendment

(c) *compensating offshore generation plant operators in an offshore bidding zone if access to interconnected markets has been reduced in such a way that one or more transmission system operators have not made enough capacity available on the interconnector or the critical network elements affecting the capacity of the interconnector, resulting in the offshore plant operator not being able to export its electricity generation capability to the market.*

(c) *following a coordinated decision taken by the Member States involved, on the implementation of offshore bidding zones and on the design of the support mechanism, contributing to the compensation to offshore renewable generators in an offshore bidding zone in the event of not enough capacity available on the interconnector or in critical network elements affecting the capacity of the interconnector, leading to the simultaneous loss of revenue of the offshore renewable generator and a*

higher revenue on the interconnector. Only the higher interconnector revenue shall be used for the compensation of offshore renewable generators. On an annual basis, this compensation shall not exceed the total congestion income generated on interconnectors between the concerned offshore bidding zone and neighbouring bidding zones.

By 31 December 2024, the Commission shall amend Commission Regulation (EU) 2015/1222 in accordance with Article 59 as regards the implementation details of this compensation, including the conditions under which the measure may expire.

Or. en

Amendment 612

Jens Geier, Marek Pawel Balt, Matthias Ecke

Proposal for a regulation

Article 1 – paragraph 1 – point 8 – point b

Regulation (EU) 2019/943

Article 19 – paragraph 2

Text proposed by the Commission

(c) compensating offshore generation plant operators in an offshore bidding zone if access to interconnected markets has been reduced in such a way that one or more transmission system operators have not made **enough** capacity **available** on the interconnector or the critical network elements **affecting** the capacity **of the interconnector**, resulting in the offshore plant operator not being able to export its electricity generation capability to the market.

Amendment

(c) compensating offshore **renewable electricity** generation plant operators in an offshore bidding zone if access **of offshore renewable electricity generation** to interconnected markets has been reduced in such a way that one or more transmission system operators have not made **available the capacity agreed as part of the offshore renewable electricity tender** on the interconnector or **have not made available the capacity on** the critical network elements **pursuant to** the capacity **calculation rules according to Art. 16 para 8 of Regulation (EU) 2019/943**, resulting in the offshore **renewable electricity** plant operator not being able to export its electricity generation capability to the market **and in lower market prices**

in the offshore bidding zone. The compensation shall be limited to reduced revenues of offshore wind electricity generation plant operators due to such reduction of access to interconnected markets and shall be financed from excess revenues resulting from the allocation of cross-zonal capacity due to such reduction of access to interconnected markets.'

Or. en

Justification

Offshore wind needs to know at time of the tender what will be the interconnection capacity. However, if they decide deliberately to build a wind farm that is larger than this capacity, it should not be compensated by congestion income. With regards to internal network elements, the normal rules of capacity calculation need to apply. These are set out in Article 16 (8) of the Electricity Regulation and are harmonized across the region, TSOs should not and cannot apply different rules to avoid compensation. Both Volume risk (for being able to transport less generation) and price risk (due to the drop of price to zero) should be covered by compensation. This is reflected in the addition “and in lower market prices in the offshore bidding zone”.

Amendment 613

Morten Petersen, Emma Wiesner, Susana Solís Pérez, Ivars Ijabs

Proposal for a regulation

Article 1 – paragraph 1 – point 8 – point b

Regulation (EU) 2019/943

Article 19, paragraph 2, point ca (new)

Text proposed by the Commission

Amendment

(ca) Contributing to the compensation to offshore renewable generators in an offshore bidding zone in the event of not enough capacity available on the interconnector or in critical network elements affecting the capacity of the interconnector, leading to the simultaneous loss of revenue of the offshore renewable generator and a higher revenue on the interconnector.

Only the higher interconnector revenue shall be used for the compensation of

offshore renewable generators.

*The Commission shall amend
Commission Regulation (EU) 2015/1222
in accordance with Article 59 as regards
the implementation details of this
compensation.*

Or. en

Amendment 614

Michael Bloss

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 8 a (new)

Article 19 –2d

Electricity Regulation

Text proposed by the Commission

Amendment

*(8a) With respect to excess revenues
resulting from the allocation of cross-
zonal capacity, the objective to
compensate offshore renewable
generators in an offshore bidding zone, at
least in part, shall have priority, if:*

*a) access to interconnected markets has
been reduced in such a way that one or
more transmission system operators have
not made enough capacity available on
the interconnector or the critical network
elements affecting the capacity of the
interconnector;*

*b) the offshore plant operator not being
able to export its electricity generation
capability to the market;*

*c) there is a simultaneous loss of revenue
of the offshore renewable generator and a
higher revenue on the interconnector;
and*

*d) any consumption in the bidding zone is
not a co-driver of the price formation.*

*By 31 December 2024, the European
Commission is empowered to adopt a
delegated act to supplement this*

Regulation, outlining a methodology for calculation of the partial compensation, including the conditions under which the measure may expire.

Or. en

Justification

This amendment is inextricably linked to the Commission proposal in the previous paragraph.

Amendment 615

Michael Bloss

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 8 b (new)

Article 19 – 2e

Electricity Regulation

Text proposed by the Commission

Amendment

(8b) The Commission shall biannually assess cross border capacity allocation in interconnectors, in particular compliance with Article 16 § 8 and, if appropriate, take legislative action.

Or. en

Justification

This amendments is inextricably linked to the Commission proposal in the previous paragraph.

Amendment 616

Michael Bloss

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Chapter IIIa

Electricity regulation

Text proposed by the Commission

Amendment

Specific investment incentives to achieve

Specific investment incentives to achieve

the Union's *decarbonisation* objectives

the Union's *climate* objectives

Or. en

Amendment 617

Marina Measure, Marc Botenga

Proposal for a regulation

Article 1 – paragraph 1 – point 9

REGULATION (EU) 2019/943

Article 19a

Text proposed by the Commission

Amendment

Article 19a

deleted

Or. en

Justification

PPAs, as proposed by the Commission are likely to favor large undertakings with financial visibility and negotiation power and privatize part of the electric production capacity at the expense of SMEs, public bodies and households. The mechanism introduced by the Commission does not put forward solutions to ensure that the price of PPAs does not follow market-based prices. It also puts public finances at risk when a consumer fails to buy electricity at a price fixed by a private contract.

Amendment 618

Marina Measure, Marc Botenga

Proposal for a regulation

Article 1 – paragraph 1 – point 9

REGULATION (EU) 2019/943

Article 19 a

Text proposed by the Commission

Amendment

Power purchase agreements

deleted

Or. en

Justification

PPAs, as proposed by the Commission are likely to favor large undertakings with financial visibility and negotiation power and privatize part of the electric production capacity at the expense of SMEs, public bodies and households. The mechanism introduced by the

Commission does not put forward solutions to ensure that the price of PPAs does not follow market-based prices. It also puts public finances at risk when a consumer fails to buy electricity at a price fixed by a private contract.

Amendment 619

Marina Mesure, Marc Botenga

Proposal for a regulation

Article 1 – paragraph 1 – point 9

REGULATION (EU) 2019/943

Article 19a

Text proposed by the Commission

Amendment

1. Member States shall facilitate power purchase agreements ('PPAs') with a view to reaching the objectives set out in their integrated national energy and climate plan with respect to the dimension decarbonisation referred to in point (a) of Article 4 of Regulation (EU) 2018/1999, while preserving competitive and liquid electricity markets.

deleted

Or. en

Justification

PPAs, as proposed by the Commission are likely to favor large undertakings with financial visibility and negotiation power and privatize part of the electric production capacity at the expense of SMEs, public bodies and households. The mechanism introduced by the Commission does not put forward solutions to ensure that the price of PPAs does not follow market-based prices. It also puts public finances at risk when a consumer fails to buy electricity at a price fixed by a private contract.

Amendment 620

Jerzy Buzek

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Regulation (EU) 2019/943

Article 19a, paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall facilitate power purchase agreements ('PPAs') with

1. Member States shall facilitate power purchase agreements ('PPAs') with

a view to reaching the objectives set out in their integrated national energy and climate plan with respect to the dimension decarbonisation referred to in point (a) of Article 4 of Regulation (EU) 2018/1999, while preserving competitive and liquid electricity markets.

a view to reaching the objectives set out in their integrated national energy and climate plan with respect to the dimension decarbonisation referred to in point (a) of Article 4 of Regulation (EU) 2018/1999, while preserving competitive and liquid electricity markets. ***Access to PPAs at cost reflective prices shall be facilitated for sectors which are particularly exposed to international trade and rely heavily on electricity for their value creation.***

PPAs intended to sectors which are particularly exposed to international trade and rely heavily on electricity for their value creation shall be priced at a level reflecting the cost of power generation in order to provide these sectors with a competitive energy price.

Or. en

Justification

The European Commission in its Staff Working Document accompanying this legislative proposal emphasizes that today PPAs are predominantly signed by non-industrial sectors. Some of the electro-intensive sectors at high trade and electricity-intensity have begun accessing this market, unevenly across the European Union. Many of these sectors are facing barriers for which a dedicated solution, in line with state aid rules, is needed if the EU is to achieve its climate and energy targets.

Amendment 621

Maria da Graça Carvalho, Pilar del Castillo Vera, Massimiliano Salini, Lara Comi, Seán Kelly, Angelika Niebler, Markus Pieper, Henna Virkkunen, Christian Ehler, Pernille Weiss, Aldo Patriciello, Angelika Winzig

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Regulation (EU) 2019/943

Article 19a, paragraph 1

Text proposed by the Commission

1. Member States shall ***facilitate*** power purchase agreements ('PPAs') with a view to reaching the objectives set out in their integrated national energy and climate plan with respect to the dimension decarbonisation referred to in point (a) of

Amendment

1. Member States shall ***lift all unjustified barriers to the conclusion of*** power purchase agreements ('PPAs'), ***including for the retail market (e.g. households, renewable energy communities, SMEs)***, with a view to

Article 4 of Regulation (EU) 2018/1999, while preserving competitive and liquid electricity markets.

reaching the objectives set out in their integrated national energy and climate plan with respect to the dimension decarbonisation referred to in point (a) of Article 4 of Regulation (EU) 2018/1999, while preserving competitive and liquid electricity markets. ***In order to ensure the removal of barriers to PPAs, the Commission may draw up specific guidance on how to alleviate administrative obligations and accounting complexities related to PPAs.***

Or. en

Amendment 622

Nicola Procaccini

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Article 19a: Power Purchase Agreements – paragraph 1

Article 19a: Power Purchase Agreements – paragraph 1

Text proposed by the Commission

1. Member States shall facilitate power purchase agreements ('PPAs') with a view to reaching the objectives set out in their integrated national energy and climate plan with respect to the dimension decarbonisation referred to in point (a) of Article 4 of Regulation (EU) 2018/1999, while preserving competitive and liquid electricity markets.

Amendment

1. Member States shall facilitate ***and remove barriers to the conclusion of*** power purchase agreements ('PPAs') with a view to reaching the objectives set out in their integrated national energy and climate plan with respect to the dimension decarbonisation referred to in point (a) of Article 4 of Regulation (EU) 2018/1999, while preserving competitive and liquid electricity markets.

Member States could introduce facilitating measures to promote PPA uptake, such as by establishing voluntary platforms to facilitate PPA trading and mitigate collateral costs and creating standard contract formats.

Or. en

Amendment 623

Tiziana Beghin

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Regulation (EU) 2019/943

Article 19a, paragraph 1

Text proposed by the Commission

1. Member States shall facilitate power purchase agreements ('PPAs') with a view to reaching the objectives set out in their integrated national energy and climate plan with respect to the dimension decarbonisation referred to in point (a) of Article 4 of Regulation (EU) 2018/1999, while preserving competitive and liquid electricity markets.

Amendment

1. Member States shall facilitate power purchase agreements ('PPAs') with a view to reaching the objectives set out in their integrated national energy and climate plan with respect to the dimension decarbonisation referred to in point (a) of Article 4 of Regulation (EU) 2018/1999, while preserving competitive and liquid electricity markets. ***Member States shall make sure that PPAs are accessible to SME market actors, including citizen energy communities and renewable energy communities, in particular by implementing a framework to facilitate the access to financing.***

Or. en

Justification

SMEs, CECs, and RECs can face several barriers preventing them from entering PPAs. These include small size, non-commercial nature, and small installations. All these barriers make it difficult to obtain adequate financing from lending institutions due to the perceived risk of the project. Therefore, the EMD reform needs to create a financial framework at the EU level, allowing small actors to be part of the dynamic use of PPAs, and should provide clear guidelines for Member States to that end

Amendment 624

Jens Geier, Marek Pawel Balt, Matthias Ecke

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Regulation (EU) 2019/943

Article 19a

Text proposed by the Commission

1. Member States shall ***facilitate*** power purchase agreements ('PPAs') with

Amendment

1. Member States shall ***remove barriers to the conclusion of renewable***

a view to reaching the objectives set out in their integrated national energy and climate plan with respect to the dimension decarbonisation referred to in point (a) of Article 4 of Regulation (EU) 2018/1999, while preserving competitive and liquid electricity markets.

energy purchase agreements and power purchase agreements ('PPAs') with a view to reaching the objectives set out in their integrated national energy and climate plan with respect to the dimension decarbonisation referred to in point (a) of Article 4 of Regulation (EU) 2018/1999 ***and security of supply by combining renewable energy or electricity from different installations*** , while preserving competitive and liquid electricity markets.

Or. en

Justification

Under RED, the provisions on power purchase agreements were transformed into energy purchase agreements to extend their application to both renewable heating and cooling and hydrogen purchase agreements.

Amendment 625 **Michael Bloss**

Proposal for a regulation
Article 1 – paragraph 1 – point 9
Article 19a –1
Electricity Regulation

Text proposed by the Commission

1. Member States shall facilitate power purchase agreements ('PPAs') with a view to reaching the objectives set out in their integrated national energy and climate plan with respect to the dimension decarbonisation referred to in point (a) of Article 4 of Regulation (EU) 2018/1999, while preserving competitive and liquid electricity markets.

Amendment

1. Member States shall facilitate ***and remove barriers for small market participants to*** power purchase agreements ('PPAs') with a view to ***at least*** reaching the objectives set out in their integrated national energy and climate plan with respect to the dimension decarbonisation referred to in point (a) of Article 4 of Regulation (EU) 2018/1999, ***and to contribute to more predictable electricity prices*** while preserving competitive and liquid electricity markets.

Or. en

Amendment 626

Patrizia Toia

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Regulation (EU) 2019/943

Article 19a

Text proposed by the Commission

1. Member States shall facilitate power purchase agreements ('PPAs') with a view to reaching the objectives set out in their integrated national energy and climate plan with respect to the dimension decarbonisation referred to in point (a) of Article 4 of Regulation (EU) 2018/1999, while preserving competitive and liquid electricity markets.

Amendment

1. Member States shall facilitate ***and remove barriers to the conclusion of*** power purchase agreements ('PPAs') with a view to reaching the objectives set out in their integrated national energy and climate plan with respect to the dimension decarbonisation referred to in point (a) of Article 4 of Regulation (EU) 2018/1999, while preserving competitive and liquid electricity markets.

Or. en

Amendment 627

Andreas Glück, Nicola Beer, Bart Groothuis

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Regulation (EU) 2019/943

Article 19a – Paragraph 1

Text proposed by the Commission

1. Member States shall facilitate power purchase agreements ('PPAs') with a view to reaching the objectives set out in their integrated national energy and climate plan with respect to the dimension decarbonisation referred to in point (a) of Article 4 of Regulation (EU) 2018/1999, while preserving competitive and liquid electricity markets.

Amendment

1. Member States shall facilitate ***renewable energy purchase agreements and*** power purchase agreements ('PPAs') with a view to reaching the objectives set out in their integrated national energy and climate plan with respect to the dimension decarbonisation referred to in point (a) of Article 4 of Regulation (EU) 2018/1999, while preserving competitive and liquid electricity markets.

Or. en

Justification

Renewable energy purchase agreements as introduced in RED3, for example in the form of

hydrogen purchase agreements, should also be covered by this article as financial risks associated with these contracts are most of the time even higher than for PPAs.

Amendment 628

Morten Petersen, Claudia Gamon, Klemen Grošelj, Emma Wiesner, Susana Solís Pérez, Nicola Danti, Ivars Ijabs

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Regulation (EU) 2019/943

Chapter IIIa, Article 19a, paragraph 1

Text proposed by the Commission

1. Member States shall **facilitate** power purchase agreements ('PPAs') with a view to reaching the objectives set out in their integrated national energy and climate plan with respect to the dimension decarbonisation referred to in point (a) of Article 4 of Regulation (EU) 2018/1999, while preserving competitive and liquid electricity markets.

Amendment

1. Member States shall **remove barriers for all consumers to enter** power purchase agreements ('PPAs') with a view to reaching the objectives set out in their integrated national energy and climate plan with respect to the dimension decarbonisation referred to in point (a) of Article 4 of Regulation (EU) 2018/1999, while preserving competitive and liquid electricity markets.

Or. en

Amendment 629

Seán Kelly

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Article 1 – paragraph 1 – point 9

Regulation (EU) 2019/943

Text proposed by the Commission

1. Member States shall **facilitate** power purchase agreements ('PPAs') with a view to reaching the objectives set out in their integrated national energy and climate plan with respect to the dimension decarbonisation referred to in point (a) of Article 4 of Regulation (EU) 2018/1999, while preserving competitive and liquid electricity markets.

Amendment

1. Member States shall **remove barriers to the conclusion** power purchase agreements ('PPAs') with a view to reaching the objectives set out in their integrated national energy and climate plan with respect to the dimension decarbonisation referred to in point (a) of Article 4 of Regulation (EU) 2018/1999, while preserving competitive and liquid

electricity markets.

Or. en

Amendment 630

Maria da Graça Carvalho, Pilar del Castillo Vera, Ioan-Rareş Bogdan, Cristian-Silviu Buşoi, Vasile Blaga, Gheorghe Falcă, Massimiliano Salini, Lara Comi, Seán Kelly, Angelika Niebler, Henna Virkkunen, Christian Ehler, Markus Pieper, Pernille Weiss, Angelika Winzig

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Regulation (EU) 2019/943

Article 19a, paragraph 1a new

Text proposed by the Commission

Amendment

1a. To facilitate the conclusion of PPAs, Member States shall ensure that all possibilities offered under Article 19 of Directive EU 2018/2001 regarding guarantees of origin are used. It shall be ensured that guarantees of origin are issued to all producers of energy from renewable sources, even those that receive financial support from a Member State support scheme, to enable renewable power to be tracked and traded across borders and to remove this existing barrier to long term PPAs.

Or. en

Amendment 631

Seán Kelly

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Article 1 – paragraph 1 – point 9

Regulation (EU) 2019/943

Text proposed by the Commission

Amendment

1a. The European Commission shall assess every two years whether barriers persist and whether there is sufficient

transparency in the PPAs markets.

Where the European Commission considers that there is insufficient transparency regarding PPAs once barriers to PPAs development have been removed, it may request ACER to develop a PPA price index or it may adopt measures such as supporting voluntary PPAs platforms

Or. en

Justification

Marketplaces for PPAs can further promote transparency and equal access to PPAs by directly connecting electricity producers and consumers.

The European Commission will monitor the development of PPAs market to ensure that the transparency and the removal of barriers are met. If needed, the European Commission should also facilitates the development of these kind of marketplaces, considering the specificities of each market while ensuring competition between producers.

Amendment 632

Christophe Grudler, Valérie Hayer

Proposal for a regulation

Article 1 – paragraph 1 – point 9

(EU) 2019/944

Article 19a paragraph 1

Text proposed by the Commission

Amendment

1a. Ibis. Member States shall encourage that PPAs contracts reflect the conditions under which the producer generates electricity including its cost of production, while not preventing competition between producers. National regulatory authorities shall provide guidelines on the condition of conclusion of such contracts and may collect relevant information from the producer or the buyer to that extent.

Or. en

Justification

In the absence of any regulatory tools, price will tend to be fixed by the cost of fossil fuels as it is the case today. The text should encourage Member States to obtain that such contracts reflect production costs. Each national regulatory authority shall provide guidelines on the condition of conclusion of such contracts.

Amendment 633

François-Xavier Bellamy

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Regulation 2019/943

Article 19a

Text proposed by the Commission

Amendment

1a. Member States shall encourage that PPAs contracts reflect the conditions under which the producer generates electricity including its cost of production, while not preventing competition between producers. National regulatory authorities shall provide guidelines on the condition of conclusion of such contracts and may collect relevant information from the producer or the buyer to that extent.

Or. en

Amendment 634

Michael Bloss

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Article 19a– 1a

Electricity Regulation

Text proposed by the Commission

Amendment

1a. By 31 December 2024, the Commission, in cooperation with all NEMOs, shall establish a platform that allows all market participants to trade power purchase agreements, including optional standardised power purchase

agreements. The platform shall ensure instruments to facilitate the participation of market participants through aggregation.

Or. en

Amendment 635

Jens Geier, Marek Paweł Balt, Matthias Ecke

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Regulation (EU) 2019/943

Article 19a

Text proposed by the Commission

Amendment

1a. The European Commission shall assess every two years whether barriers persist and whether there is sufficient transparency in the PPAs markets.

Or. en

Amendment 636

Susana Solís Pérez

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Regulation (EU) 2019/943

Article 19a – new paragraph 1a

Text proposed by the Commission

Amendment

1a. The European Commission shall assess every two years the existence of persistent barriers and transparency in PPA markets

Or. en

Amendment 637

Marina Mesure, Marc Botenga

Proposal for a regulation
Article 1 – paragraph 1 – point 9
REGULATION (EU) 2019/943
Article 19a

Text proposed by the Commission

Amendment

2. Member States shall ensure that instruments such as guarantee schemes at market prices, to reduce the financial risks associated to off-taker payment default in the framework of PPAs are in place and accessible to customers that face entry barriers to the PPA market and are not in financial difficulty in line with Articles 107 and 108 TFEU. For this purpose, Member States shall take into account Union-level instruments. Member States shall determine what categories of customers are targeted by these instruments, applying non-discriminatory criteria.

deleted

Or. en

Justification

PPAs, as proposed by the Commission are likely to favor large undertakings with financial visibility and negotiation power and privatize part of the electric production capacity at the expense of SMEs, public bodies and households. The mechanism introduced by the Commission does not put forward solutions to ensure that the price of PPAs does not follow market-based prices. It also puts public finances at risk when a consumer fails to buy electricity at a price fixed by a private contract.

Amendment 638

Maria da Graça Carvalho, Pilar del Castillo Vera, Ioan-Rareş Bogdan, Cristian-Silviu Buşoi, Vasile Blaga, Gheorghe Falcă, Massimiliano Salini, Lara Comi, Seán Kelly, Christian Ehler, Pernille Weiss, Markus Pieper, Angelika Niebler, Aldo Patriciello

Proposal for a regulation
Article 1 – paragraph 1 – point 9
Regulation (EU) 2019/943
Article 19a, paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall ensure that instruments such as guarantee schemes at

2. Member States, in a coordinated way and where appropriate with the

market prices, to reduce the financial risks associated to off-taker payment default in the framework of PPAs *are in place* and accessible to customers that face entry barriers to the PPA market and are not in financial difficulty in line with Articles 107 and 108 TFEU. For this purpose, Member States shall take into account Union-level instruments. Member States shall determine what categories of customers are targeted by these instruments, applying non-discriminatory criteria.

support of the European Investment Bank ('EIB'), may put in place instruments to reduce the financial risks associated to off-taker payment default in the framework of PPAs and *make them* accessible to customers that face entry barriers to the PPA market and are not in financial difficulty in line with Articles 107 and 108 TFEU. *Such instruments may include guarantee schemes at market prices.* For this purpose, Member States shall take into account Union-level instruments *and tools such as standardised template contracts, to be developed jointly with the EIB.* Member States shall determine what categories of customers are targeted by these instruments, applying non-discriminatory criteria, *and considering at least, but not limited to, SMEs, households, including via aggregators, renewable energy communities and suppliers with no generation assets. As the market evolves and the PPA uptake increases, the use of instruments such as guarantee schemes at market prices shall be reassessed.*

Or. en

Amendment 639

Miapetra Kumpula-Natri, Erik Bergkvist, Niels Fuglsang

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June
Article 19a

Text proposed by the Commission

2. Member States *shall ensure that* instruments such as guarantee schemes at market prices, to reduce the financial risks associated to off-taker payment default in the framework of PPAs are in place and accessible to customers that face entry barriers to the PPA market and are not in financial difficulty in line with Articles 107 and 108 TFEU. For this purpose, Member

Amendment

2. Member States *may choose to implement* instruments such as guarantee schemes at market prices, to reduce the financial risks associated to off-taker payment default in the framework of PPAs are in place and accessible to customers *and companies* that face entry barriers to the PPA market and are not in financial difficulty in line with Articles 107 and 108

States shall take into account Union-level instruments. Member States shall determine what categories of customers are targeted by these instruments, applying non-discriminatory criteria.

TFEU. For this purpose, Member States shall take into account Union-level instruments. Member States shall determine what categories of customers are targeted by these instruments, applying non-discriminatory criteria. ***As the market evolves and the PPA uptake increases, these instruments such as guarantee schemes at market prices shall be re-assessed and potentially phased out.***

Or. en

Amendment 640
Pernille Weiss

Proposal for a regulation
Article 1 – paragraph 1 – point 9
(COM(2023)0148 – C9–0049/2023 – 2023/0077(COD))
Article 19 a – para 2

Text proposed by the Commission

2. Member States ***shall*** ensure that instruments such as guarantee schemes at market prices, to reduce the financial risks associated to off-taker payment default in the framework of PPAs are in place and accessible to customers that face entry barriers to the PPA market and are not in financial difficulty in line with Articles 107 and 108 TFEU. For this purpose, Member States shall take into account Union-level instruments. Member States shall determine what categories of customers are targeted by these instruments, applying non-discriminatory criteria.

Amendment

2. Member States ***may*** ensure that instruments such as guarantee schemes at market prices, to reduce the financial risks associated to off-taker payment default in the framework of PPAs are in place and accessible to customers that face entry barriers to the PPA market and are not in financial difficulty in line with Articles 107 and 108 TFEU. For this purpose, Member States shall take into account Union-level instruments. Member States shall determine what categories of customers are targeted by these instruments, applying non-discriminatory criteria. ***Member States shall design such schemes in a way that allocate risk effectively and proportionally among the generator, consumer counterpart of the PPA, and the Member State itself.***

Or. en

Amendment 641

Michael Bloss

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Article 19a –2

Electricity Regulation

Text proposed by the Commission

2. Member States shall ***ensure that instruments such as*** guarantee schemes at market prices, to reduce the financial risks associated to off-taker payment default in the framework of PPAs ***are in place and accessible to customers that face entry barriers to the PPA market and are not in financial difficulty in line with Articles 107 and 108 TFEU. For this purpose, Member States shall take into account Union-level*** instruments. Member States shall determine what categories of customers are targeted by these instruments, applying non-discriminatory criteria.

Amendment

2. ***Without prejudice to Articles 107 and 108 TFEU,*** Member States shall ***provide for public*** guarantee schemes at market prices to reduce the financial risks associated to off-taker payment default in the framework of PPAs. ***Such instruments shall facilitate the pooling of demand for PPAs.***

Member States shall determine what categories of customers are targeted by these instruments applying non-discriminatory criteria ***among each category of customers that:***

- a) face entry barriers to the PPA market;***
- b) are not in financial difficulty, and;***
- c) are local authorities, micro and small enterprises or are organised in renewable energy communities or citizen energy communities;***

Or. en

Amendment 642

Marian-Jean Marinescu

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Regulation 2019/943

Article 9, paragraph 2

Text proposed by the Commission

2. Member States shall ensure that instruments such as guarantee schemes at market prices, to reduce the financial risks associated to off-taker payment default in the framework of PPAs are in place and accessible to customers that face entry barriers to the PPA market and are not in financial difficulty in line with Articles 107 and 108 TFEU. For this purpose, Member States shall take into account Union-level instruments. Member States **shall** determine what categories of customers are targeted by these instruments, applying non-discriminatory criteria.

Amendment

2. Member States shall ensure that instruments such as guarantee schemes at market prices **or State guaranties**, to reduce the financial risks associated to off-taker payment default **or instruments to reduce other risks** in the framework of PPAs are in place and accessible to customers that face entry barriers to the PPA market and are not in financial difficulty in line with Articles 107 and 108 TFEU, **unless the difficulty is determined by extraordinary circumstances beyond the control of the buyer and of the Member States**. For this purpose, Member States shall take into account Union-level instruments. Member States **may** determine what categories of customers are targeted by these instruments, applying non-discriminatory criteria.

Or. en

Justification

The companies that are affected by extraordinary circumstances beyond their control and the control of the Member States should not be penalised, by being excluded from the scope of the Article and can therefore have access to instruments reducing the financial risks associated to the buyer defaulting on its long-term payment obligations in the framework of PPAs.

The electro-intensive consumers (industry) should also benefit from instruments reducing the financial risks associated to the buyer defaulting on its long-term payment obligations in the framework of PPAs.

Amendment 643

Jens Geier, Marek Paweł Balt, Matthias Ecke

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Regulation (EU) 2019/943

Article 19a

Text proposed by the Commission

2. Member States shall ensure that instruments such as guarantee schemes at market prices, to reduce the financial risks

Amendment

2. Member States shall ensure that instruments such as guarantee schemes at market prices, to reduce the financial risks

associated to off-taker payment default in the framework of PPAs are in place and accessible to customers that face entry barriers to the PPA market and are not in financial difficulty in line with Articles 107 and 108 TFEU. For this purpose, Member States shall take into account Union-level instruments. Member States shall determine what categories of customers are targeted by these instruments, applying non-discriminatory criteria.

associated to off-taker payment default in the framework of **renewable energy purchase agreements and** PPAs are in place and accessible to customers that face entry barriers to the **renewable energy purchase agreement and** PPA market and are not in financial difficulty in line with Articles 107 and 108 TFEU. For this purpose, Member States shall take into account Union-level instruments. Member States shall determine what categories of customers are targeted by these instruments, applying non-discriminatory criteria.

Or. en

Amendment 644

Andreas Glück, Nicola Beer, Bart Groothuis

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Regulation (EU) 2019/943

Article 19a – Paragraph 2

Text proposed by the Commission

2. Member States shall ensure that instruments such as guarantee schemes at market prices, to reduce the financial risks associated to off-taker payment default in the framework of PPAs are in place and accessible to customers that face entry barriers to the PPA market and are not in financial difficulty in line with Articles 107 and 108 TFEU. For this purpose, Member States shall take into account Union-level instruments. Member States shall determine what categories of customers are targeted by these instruments, applying non-discriminatory criteria.

Amendment

2. Member States shall ensure that instruments such as guarantee schemes at market prices, to reduce the financial risks associated to off-taker payment default in the framework of **renewable energy purchase agreements and** PPAs are in place and accessible to customers that face entry barriers to the **renewable energy purchase agreement and** PPA market and are not in financial difficulty in line with Articles 107 and 108 TFEU. For this purpose, Member States shall take into account Union-level instruments. Member States shall determine what categories of customers are targeted by these instruments, applying non-discriminatory criteria.

Or. en

Justification

Renewable energy purchase agreements as introduced in RED3, for example in the form of hydrogen purchase agreements, should also be covered by this article as financial risks associated with these contracts are most of the time even higher than for PPAs.

Amendment 645

Zdzisław Krasnodebski

on behalf of the ECR Group

Izabela-Helena Kloc, Elżbieta Kruk

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Article 19a

paragraph 2

Text proposed by the Commission

2. Member States shall ensure that instruments such as guarantee schemes at market prices, to reduce the financial risks associated to off-taker payment default in the framework of PPAs are in place and accessible to customers that face entry barriers to the PPA market and are not in financial difficulty in line with Articles 107 and 108 TFEU. For this purpose, Member States shall take into account Union-level instruments. Member States shall determine what categories of customers are targeted by these instruments, applying non-discriminatory criteria.

Amendment

2. Member States shall *strive to* ensure that instruments such as guarantee schemes at market prices, to reduce the financial risks associated to off-taker payment default in the framework of PPAs are in place and accessible to customers that face entry barriers to the PPA market and are not in financial difficulty in line with Articles 107 and 108 TFEU. For this purpose, Member States shall take into account Union-level instruments. Member States shall determine what categories of customers are targeted by these instruments, applying non-discriminatory criteria.

Or. en

Justification

Power purchase agreements should be developed on voluntary basis and respect contractual freedom. The obligation to impose on Member States a requirement to use support mechanisms such as guarantee schemes is questionable since the choice of instruments should belong to member states and reflect their budgetary possibilities.

Amendment 646

Marina Mesure, Marc Botenga

Proposal for a regulation

Text proposed by the Commission

Amendment

3. Guarantee schemes for PPAs backed by the Member States shall include provisions to avoid lowering the liquidity in electricity markets and shall not provide support to the purchase of generation from fossil fuels. *deleted*

Or. en

Justification

PPAs, as proposed by the Commission are likely to favor large undertakings with financial visibility and negotiation power and privatize part of the electric production capacity at the expense of SMEs, public bodies and households. The mechanism introduced by the Commission does not put forward solutions to ensure that the price of PPAs does not follow market-based prices. It also puts public finances at risk when a consumer fails to buy electricity at a price fixed by a private contract.