



**2023/0076(COD)**

25.5.2023

# **AMENDMENTS**

## **97 - 297**

**Draft report**  
**Maria da Graça Carvalho**  
(PE747.031v01-00)

Amending Regulations (EU) No 1227/2011 and (EU) 2019/942 to improve the Union's protection against market manipulation in the wholesale energy market

Proposal for a regulation  
(COM(2023)0147 – C9-0050/2023 – 2023/0076(COD))



**Amendment 97**  
**Claudia Gamon**

**Draft legislative resolution**  
**Citation 2**

*Draft legislative resolution*

having regard to Article 294(2) *and* Article 194(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9 0050/2023),

*Amendment*

having regard to Article 294(2), Article 194(2) *and Article 114* of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9 0050/2023),

Or. en

**Amendment 98**  
**Claudia Gamon, Morten Petersen**

**Proposal for a regulation**  
**Citation 1**

*Text proposed by the Commission*

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 194(2) thereof,

*Amendment*

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 194(2) *and Article 114* thereof,

Or. en

**Amendment 99**  
**Jakop G. Dalunde**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Recital 1**

*Text proposed by the Commission*

(1) Open and fair competition in the internal markets for electricity and for gases and ensuring a level playing field for market participants requires integrity and transparency of wholesale energy markets. Regulation (EU) No 1227/2011 of the European Parliament and of the Council

*Amendment*

(1) Open and fair competition in the internal markets for electricity and for gases and ensuring a level playing field for market participants requires integrity and transparency of wholesale energy markets. Regulation (EU) No 1227/2011 of the European Parliament and of the Council

establishes a comprehensive framework ('REMIT') to achieve this objective. To enhance the public's trust in functioning energy markets and to protect the Union effectively against attempts of market manipulation, Regulation (EU) No 1227/2011 should be amended to further increase insufficient transparency and monitoring capacities as well as to ensure more effective investigation and enforcement of potential cross-border market abuse cases addressing the shortcomings identified in the current framework.

establishes a comprehensive framework ('REMIT') to achieve this objective. To enhance the public's trust in functioning energy markets and to protect the Union effectively against **market abuse or** attempts of market manipulation, Regulation (EU) No 1227/2011 should be amended to further increase insufficient transparency and **strengthen** monitoring capacities as well as to ensure more effective investigation and enforcement of potential cross-border market abuse cases addressing the shortcomings identified in the current framework.

Or. en

#### *Justification*

*European Court of Auditors in its special report of 2023 concluded that ACER's market monitoring has been undermined by difficulties with data collection and the lack of follow-up as well as the lack of staff: only 5.5 % of ACER's total staff is involved in carrying out market surveillance task, which is critical for ACER to be able to fulfil its mandate.*

#### **Amendment 100** **Sandra Pereira**

#### **Proposal for a regulation** **Recital 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***(1a) Whereas it is necessary to put an end to energy policies based on liberalisation of the sector, re-establishing public ownership and strategic state control over the key energy undertakings that have been privatised and restoring high-quality public energy services and national, democratic planning of the development of the energy system on the basis of solidarity and international cooperation;***

Or. pt

**Amendment 101**  
**Marina Mesure**

**Proposal for a regulation**  
**Recital 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***(1a) Combating market abuses, while helping to scale back speculative practices that can influence the price of electricity paid by final consumers, will not provide answers capable of bringing about a sustained reduction in electricity prices. The fact is that electricity prices are set according to the marginal cost of operating the last power station drawn on, which means that there is a considerable gap between market price and average production cost.***

Or. fr

**Amendment 102**  
**Marina Mesure**

**Proposal for a regulation**  
**Recital 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***(1b) Strengthening the powers and competences of ACER, in particular as regards investigations, presupposes a considerable increase in its financial and human resources, given the volume and complexity of the data processed. Some national regulators are better staffed than ACER despite having limited geographical jurisdiction. The success of such a reform is therefore based on the resources allocated to ACER in the long term and on sound cooperation between national regulators and ACER. Accordingly, ACER's human resources should be increased over and above the 30 full-time equivalents initially envisaged.***

**Amendment 103**  
**Sandra Pereira**

**Proposal for a regulation**  
**Recital 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***(1b) Whereas there is an urgent need to protect consumers in the face of rising energy prices and to combat volatility and lack of transparency in the price formation process;***

Or. pt

**Amendment 104**  
**Sandra Pereira**

**Proposal for a regulation**  
**Recital 1 c (new)**

*Text proposed by the Commission*

*Amendment*

***(1c) Whereas the scale of the energy and socio-economic crisis, of which there were already clear signs in the post-pandemic period, demonstrates the urgent need for interventions and measures such as price containment through regulation based inter alia on public and common interest criteria;***

Or. pt

**Amendment 105**  
**Marina Mesure**

**Proposal for a regulation**  
**Recital 1 c (new)**

*Text proposed by the Commission*

*Amendment*

***(1c) Resource disparities between national regulators call for stepped-up ACER assistance for national regulators which ask for it, in particular in order to conduct investigations under this Regulation.***

Or. fr

**Amendment 106**  
**Sandra Pereira**

**Proposal for a regulation**  
**Recital 1 d (new)**

*Text proposed by the Commission*

*Amendment*

***(1d) Whereas energy price increases have escalated on the wholesale electricity market since 2021, with extremely adverse social and economic consequences;***

Or. pt

**Amendment 107**  
**Sandra Pereira**

**Proposal for a regulation**  
**Recital 1 e (new)**

*Text proposed by the Commission*

*Amendment*

***(1e) Whereas much of the problem of rising energy prices stems from the liberalised market and its speculative nature;***

Or. pt

**Amendment 108**  
**Sandra Pereira**

**Proposal for a regulation**  
**Recital 1 f (new)**

*Text proposed by the Commission*

*Amendment*

***(1f) Whereas there is a need to fundamentally change the marginal pricing system in the day-ahead market, which determines that the most expensive technology – usually gas – sets the price for other forms of energy production; Whereas that pricing system not only fails to guarantee that the impact of fossil fuel prices on electricity bills is reduced, but also aims to safeguard the interests of the large economic groups operating in the sector, in particular by extending the duration of established contracts;***

Or. pt

**Amendment 109**  
**Marina Mesure**

**Proposal for a regulation**  
**Recital 2**

*Text proposed by the Commission*

*Amendment*

(2) Financial instruments, including energy derivatives, traded on energy markets are of increasing importance. Due to the increasingly close interrelation between financial markets and energy wholesale markets, Regulation (EU) No 1227/2011 should be better aligned with the financial market legislation such as Regulation (EU) No 596/2014 of the European Parliament and of the Council<sup>17</sup>, including with respect to the definitions of market manipulation and inside information respectively. More specifically the definition of market manipulation in Regulation (EU) No 1227/2011 should be slightly adjusted to mirror Article 12 of Regulation (EU) No 596/2014. To that end,

(2) Financial instruments, including energy derivatives, traded on energy markets are of increasing importance ***and pose a risk that energy prices will rise, which would have a significant impact on the economy as a whole and on people's standard of living.*** Due to the increasingly close interrelation between financial markets and energy wholesale markets, Regulation (EU) No 1227/2011 should be better aligned with the financial market legislation such as Regulation (EU) No 596/2014 of the European Parliament and of the Council<sup>17</sup>, including with respect to the definitions of market manipulation and inside information respectively. More specifically the definition of market



the definition of market manipulation under Regulation (EU) No 1227/2011 should be adjusted to capture the entering into any transaction, or issuing any order to trade, but also any other behaviour relating to wholesale energy products which: (i) gives, or is likely to give, false or misleading signals as to the supply of, demand for, or price of wholesale energy products; (ii) secures, or is likely to secure, by a person, or persons acting in collaboration, the price of one or several wholesale energy products at an artificial level, or (iii) employs a fictitious device or any other form of deception or contrivance which gives, or is likely to give, false or misleading signals regarding the supply of, demand for, or price of wholesale energy products.

manipulation in Regulation (EU) No 1227/2011 should be slightly adjusted to mirror Article 12 of Regulation (EU) No 596/2014. To that end, the definition of market manipulation under Regulation (EU) No 1227/2011 should be adjusted to capture the entering into any transaction, or issuing any order to trade, but also any other behaviour relating to wholesale energy products which: (i) gives, or is likely to give, false or misleading signals as to the supply of, demand for, or price of wholesale energy products; (ii) secures, or is likely to secure, by a person, or persons acting in collaboration, the price of one or several wholesale energy products at an artificial level, or (iii) employs a fictitious device or any other form of deception or contrivance which gives, or is likely to give, false or misleading signals regarding the supply of, demand for, or price of wholesale energy products.

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<sup>17</sup> Regulation (EU) No 596/2014 of the European Parliament and of the Council of 16 April 2014 on market abuse (Market Abuse Regulation) and repealing Directive 2003/6/EC of the European Parliament and of the Council and Commission Directives 2003/124/EC, 2003/125/EC and 2004/72/EC, OJ L 173, 12.6.2014, p. 1.

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<sup>17</sup> Regulation (EU) No 596/2014 of the European Parliament and of the Council of 16 April 2014 on market abuse (Market Abuse Regulation) and repealing Directive 2003/6/EC of the European Parliament and of the Council and Commission Directives 2003/124/EC, 2003/125/EC and 2004/72/EC, OJ L 173, 12.6.2014, p. 1.

Or. fr

## **Amendment 110**

**Jakop G. Dalunde**

on behalf of the Verts/ALE Group

### **Proposal for a regulation**

#### **Recital 3**

*Text proposed by the Commission*

(3) The definition of inside information should also be adjusted to mirror Regulation (EU) 596/2014. In particular,

*Amendment*

(3) The definition of inside information should also be adjusted to mirror Regulation (EU) 596/2014. In particular,

where inside information concerns a process which occurs in stages, each stage of the process as well as the overall process could constitute inside information. An intermediate step in a protracted process may in itself constitute a set of circumstances or an event which exists or where there is a realistic prospect that they will come into existence or occur, on the basis of an overall assessment of the factors existing at the relevant time. However, that notion should not be interpreted as meaning that the magnitude of the effect of that set of circumstances or that event on the prices of the **financial instruments** concerned must be taken into consideration. An intermediate step should be deemed to be inside information if it, by itself, meets the criteria laid down in this Regulation for inside information.

where inside information concerns a process which occurs in stages, each stage of the process as well as the overall process could constitute inside information. An intermediate step in a protracted process may in itself constitute a set of circumstances or an event which exists or where there is a realistic prospect that they will come into existence or occur, on the basis of an overall assessment of the factors existing at the relevant time. However, that notion should not be interpreted as meaning that the magnitude of the effect of that set of circumstances or that event on the prices of the **wholesale energy products** concerned must be taken into consideration. An intermediate step should be deemed to be inside information if it, by itself, meets the criteria laid down in this Regulation for inside information. ***As markets develop and new forms of infractions might emerge, the Commission, having consulted with the Agency and relevant stakeholders, should have the ability, by means of delegated act, to further elaborate the definition of inside information. There should be a contact point at the Agency for market participants seeking clarification on whether or not a specific information would constitute inside information according to this Regulation and the relevant delegated act.***

Or. en

#### *Justification*

*Inside information is not always easy to identify. It might be helpful to have a contact point in the Agency for market participants seeking advice or clarification on whether one or another information can be qualified as inside information.*

#### **Amendment 111**

**Zdzisław Krasnodębski**

on behalf of the ECR Group

**Isabela-Helena Kloc, Elżbieta Kruk**

**Proposal for a regulation**  
**Recital 3**

*Text proposed by the Commission*

(3) The definition of inside information should also be adjusted to ***mirror*** Regulation (EU) 596/2014. In particular, where inside information concerns a process which occurs in stages, each stage of the process as well as the overall process could constitute inside information. An intermediate step in a protracted process may in itself constitute a set of circumstances or an event which exists or where there is a realistic prospect that they will come into existence or occur, on the basis of an overall assessment of the factors existing at the relevant time. However, that notion should not be interpreted as meaning that the magnitude of the effect of that set of circumstances or that event on the prices of the ***financial instruments*** concerned must be taken into consideration. An intermediate step should be deemed to be inside information if it, by itself, meets the criteria laid down in this Regulation for inside information.

*Amendment*

(3) The definition of inside information should also be adjusted to ***complement*** Regulation (EU) 596/2014. In particular, where inside information concerns a process which occurs in stages, each stage of the process as well as the overall process could constitute inside information. An intermediate step in a protracted process may in itself constitute a set of circumstances or an event which exists or where there is a realistic prospect that they will come into existence or occur, on the basis of an overall assessment of the factors existing at the relevant time. However, that notion should not be interpreted as meaning that the magnitude of the effect of that set of circumstances or that event on the prices of the ***wholesale energy products*** concerned must be taken into consideration. An intermediate step should be deemed to be inside information if it, by itself, meets the criteria laid down in this Regulation for inside information.

Or. en

**Amendment 112**  
**Marina Mesure**

**Proposal for a regulation**  
**Recital 5**

*Text proposed by the Commission*

(5) Sharing of information between national regulatory authorities and the national competent financial authorities is a central aspect of cooperation and detection of potential breaches in both the wholesale energy markets and the financial markets. In the light of the exchange of information between competent authorities pursuant to

*Amendment*

(5) Sharing of information between national regulatory authorities and the national competent financial authorities is a central aspect of cooperation and detection of potential breaches in both the wholesale energy markets and the financial markets. In the light of the exchange of information between competent authorities pursuant to

Regulation (EU) 596/2014 at national level, national regulatory authorities should share relevant information they receive with national financial and competition authorities.

Regulation (EU) 596/2014 at national level, national regulatory authorities should share relevant information they receive with national financial and competition authorities. ***In view of the growing financialisation of the energy sector, national financial authorities should also be given sufficient resources to carry out their tasks.***

Or. fr

### **Amendment 113**

**Jakop G. Dalunde**

on behalf of the Verts/ALE Group

### **Proposal for a regulation**

#### **Recital 6**

#### *Text proposed by the Commission*

(6) Where information is not, or no longer, sensitive from a commercial or security viewpoint, the European Agency for the Cooperation of Energy Regulators (the ‘Agency’ or ‘ACER’) should be able to make that information available to market participants and the wider public with a view to contributing to enhanced market knowledge. This should include the possibility for ACER to publish information on organised market places, IIPs, RRM according to applicable data protection laws in the interest of improving transparency of wholesale energy markets and provided it does not distort competition on those energy markets.

#### *Amendment*

(6) Where information is not, or no longer, sensitive from a commercial or security viewpoint, ***or can be published in an aggregated and anonymised format***, the European Agency for the Cooperation of Energy Regulators (the ‘Agency’ or ‘ACER’) should be able to make that information available ***in an accessible format*** to market participants and the wider public with a view to contributing to enhanced market knowledge. This should include the possibility for ACER to publish information on organised market places, IIPs, RRM according to applicable data protection laws in the interest of improving transparency of wholesale energy markets and provided it does not distort competition on those energy markets.

Or. en

#### *Justification*

*As this Regulation aims to increase transparency in the energy wholesale market, findings must be made public, allowing consumers, scientists, and other interested parties to be informed about the state of energy markets.*

## Amendment 114

Claudia Gamon, Morten Petersen, Klemen Grošelj, Mauri Pekkarinen

### Proposal for a regulation

#### Recital 6 a (new)

*Text proposed by the Commission*

*Amendment*

***(6a) Where information is not, or no longer, sensitive from a commercial viewpoint, the Agency should be able to make its commercially non-sensitive trade database available for scientific purposes, subject to confidentiality requirements, with a view to contributing to enhanced market knowledge. This will help build confidence in the market and foster the development of knowledge about the functioning of wholesale energy markets. The Agency should establish and make publicly available rules on how it will make the information available for scientific and for transparency purposes in a fair and transparent manner.”***

Or. en

#### *Justification*

*Amendment necessary for pressing reasons relating to the internal logic of the text. Data should be available for research if commercially non-sensitive*

## Amendment 115

Marina Mesure

### Proposal for a regulation

#### Recital 8

*Text proposed by the Commission*

*Amendment*

(8) The use of trading technology has evolved significantly in the past decade and is increasingly used on the wholesale energy markets. Many market participants use algorithmic trading and high frequency algorithmic techniques with minimal or no

(8) The use of trading technology has evolved significantly in the past decade and is increasingly used on the wholesale energy markets. Many market participants use algorithmic trading and high frequency algorithmic techniques with minimal or no

human intervention. The risks arising from these practises should be addressed under Regulation (EU) No 1227/2011.

human intervention. The risks arising from these practises should be addressed under Regulation (EU) No 1227/2011. ***The Commission should consider banning certain practices that pose a risk to Europe's economic stability and are widening the gulf between the real economy and market value.***

Or. fr

#### **Amendment 116**

**Jakop G. Dalunde**

on behalf of the Verts/ALE Group

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

##### **Recital 9 a (new)**

*Text proposed by the Commission*

*Amendment*

***(9a) Persons within the private and public sector shall, as according to Directive (EU) No 2019/1937, have effective channels to report breaches of this Regulation confidentially within their organisation or to the Agency and national regulatory authorities, and be fully protected against retaliation.***

Or. en

*Justification*

*The proper implementation of the EU Directive concerning the protection of Whistleblowers has clear relevance for this Regulation, to ensure persons can report information of breaches of this Regulation that organizations or persons within organizations may want to obscure.*

#### **Amendment 117**

**Jakop G. Dalunde**

on behalf of the Verts/ALE Group

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

##### **Recital 10**

*Text proposed by the Commission*

(10) To improve the Agency's market monitoring and make data collection more complete, the current reporting regime needs improvement. The data collected should be expanded to overcome gaps in the data collection and include coupled markets, new balancing markets, contracts for balancing markets and products that have potential delivery in the Union. Organised market places should be required to provide the full order book data set to the Agency. Order book providers should also be designated as persons professionally arranging transactions subject to the obligation to monitor and report suspected breaches.

*Amendment*

(10) To improve the Agency's market monitoring and make data collection more complete, the current reporting regime needs improvement. The data collected should be expanded to overcome gaps in the data collection and include coupled markets, new balancing markets, contracts for balancing markets and products that have potential delivery in the Union. Organised market places should be required to provide the full order book data set to the Agency. Order book providers should also be designated as persons professionally arranging transactions subject to the obligation to monitor and report suspected breaches. ***To avoid double reporting, records of transactions that have been reported by order book provider, should not be subject to reporting by market participants who originated the transaction.***

Or. en

*Justification*

*Double reporting is not helpful and should be avoided.*

**Amendment 118**

**Zdzisław Krasnodębski**

on behalf of the ECR Group

**Izabela-Helena Kloc, Elżbieta Kruk**

**Proposal for a regulation**

**Recital 10**

*Text proposed by the Commission*

(10) To improve the Agency's market monitoring and make data collection more complete, the current reporting regime needs improvement. The data collected should be expanded to overcome gaps in the data collection and include coupled markets, new balancing markets, contracts

*Amendment*

(10) To improve the Agency's market monitoring and make data collection more complete, the current reporting regime needs improvement. The data collected should be expanded to overcome gaps in the data collection and include coupled markets, new balancing markets, contracts

for balancing markets ***and products that have potential delivery in the Union.***

Organised market places should be required to provide the full order book data set to the Agency. ***Order book providers should also be designated as persons professionally arranging transactions subject to the obligation to monitor and report suspected breaches.***

for balancing markets. Organised market places should be required to provide the full order book data set to the Agency.

Or. en

## **Amendment 119**

**András Gyürk, Ernő Schaller-Baross**

### **Proposal for a regulation**

#### **Recital 10**

*Text proposed by the Commission*

(10) To improve the Agency's market monitoring and make data collection more complete, the current reporting regime needs improvement. The data collected should be expanded to overcome gaps in the data collection and include coupled markets, new balancing markets, contracts for balancing markets and products that have potential delivery in the Union. Organised market places should be required to provide the full order book data set to the Agency. ***Order book providers should also be designated as persons professionally arranging transactions subject to the obligation to monitor and report suspected breaches.***

*Amendment*

(10) To improve the Agency's market monitoring and make data collection more complete, the current reporting regime needs improvement. The data collected should be expanded to overcome gaps in the data collection and include coupled markets, new balancing markets, contracts for balancing markets and products that have potential delivery in the Union. Organised market places should be required to provide the full order book data set to the Agency.

Or. en

#### *Justification*

*We believe it will be ineffective to introduce order book providers as PPATs. In integrated balancing markets the orders and bids from all national procurement systems are anonymised. The operators of the balancing platforms, and other member TSOs, have no tools to identify market abuse or unusual behaviour. In the current TSO-TSO model for balancing markets, all operations related to "orders" take place at a national level: the surveillance of orders is therefore governed by national means of effective market monitoring.*



## **Amendment 120**

**Jakop G. Dalunde**

on behalf of the Verts/ALE Group

### **Proposal for a regulation**

#### **Recital 10 a (new)**

*Text proposed by the Commission*

*Amendment*

***(10a) At the EU level, most power is traded outside organised power exchanges, known as 'over the counter' (OTC) trading. OTC wholesale energy contracts lack transparency as they are privately negotiated contracts, and any information concerning them is usually only available to the contracting parties. They create a complex web of interdependence which can make it difficult to identify the nature and level of risks involved. This Regulation lays down conditions for improving the transparency of OTC wholesale energy contracts.***

Or. en

#### *Justification*

*According to the European court of Auditors special report, over the counter trades (OTC) accounted for 68 % of the electricity volumes traded in 2019 and 74 % of those traded in 2020. The majority of wholesale electricity is therefore traded on the least transparent markets and is therefore more prone to manipulation. One of the aims of this reform is to lay down the conditions for improving the transparency of OTC wholesale energy trade.*

## **Amendment 121**

**Jakop G. Dalunde**

on behalf of the Verts/ALE Group

### **Proposal for a regulation**

#### **Recital 11**

*Text proposed by the Commission*

*Amendment*

**(11) Inside Information Platforms (IIPs) should play an important role for the effective and timely publication of inside**

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information. It should be mandatory to disclose inside information on dedicated IIPs to make the information easily accessible and enhance transparency. To ensure trust in the IIPs they should be authorised and registered.

information. It should be mandatory to disclose *without undue delay* inside information on dedicated IIPs to make the information easily accessible and enhance transparency. To ensure trust in the IIPs they should be authorised and registered. ***The Agency's supervisory powers over IIPs should be extended to include the power to issue fines and public notices.***

Or. en

### *Justification*

*Having regard to the ESMA's supervisory powers where ESMA can issue fines and public notices to trade repositories and data service providers, ACER's supervisory powers over IIPs should also be similarly increased.*

## **Amendment 122**

**Zdzisław Krasnodębski**

on behalf of the ECR Group

**Izabela-Helena Kloc, Elżbieta Kruk**

## **Proposal for a regulation**

### **Recital 12**

#### *Text proposed by the Commission*

(12) To streamline and make the reporting of data to the Agency more effective, the information should be provided through Registered Reporting Mechanisms (RRMs) and the operation of RRM should be authorised by the Agency. The RRM should ***at all times*** comply with the conditions for authorisation and data protection law. The Agency should also ***establish*** a register of all RRM in the Union.

#### *Amendment*

(12) To streamline and make the reporting of data to the Agency more effective, the information should be provided through Registered Reporting Mechanisms (RRMs) and the operation of RRM should be authorised by the Agency. The RRM should comply with the conditions for authorisation and ***with*** data protection law. The Agency should also ***maintain*** a register of all RRM in the Union. ***The Agency should have the power to withdraw such authorisation in certain cases, while respecting the procedural safeguards pursuant to Articles 14(6) to (8) of Regulation (EU) 2019/942. The withdrawal of an authorisation should not prevent an entity from applying for a new authorisation as RRM with the Agency***

*Justification*

*The provision should take into account maintenance and other technical issues that could prevent RRM's to comply with conditions for authorization "at all times". Entities should have right to appeal the Agency decision, as well as to apply for re-authorization once they rectify the reasons of their withdrawal.*

**Amendment 123****Jakop G. Dalunde**

on behalf of the Verts/ALE Group

**Proposal for a regulation****Recital 12***Text proposed by the Commission*

(12) To streamline and make the reporting of data to the Agency more effective, the information should be provided through Registered Reporting Mechanisms (RRMs) and the operation of RRM's should be authorised by the Agency. The RRM's should at all times comply with the conditions for authorisation and data protection law. The Agency should also establish a register of all RRM's in the Union.

*Amendment*

(12) To streamline and make the reporting of data to the Agency more effective, the information should be provided through Registered Reporting Mechanisms (RRMs) and the operation of RRM's should be authorised by the Agency. The RRM's should at all times comply with the conditions for authorisation and data protection law. The Agency should also establish a register of all RRM's in the Union. ***The Agency's supervisory powers over RRM's should be extended to include the power to issue fines and public notices.***

*Justification*

*Having regard to the ESMA's supervisory powers where ESMA can issue fines and public notices against trade repositories and data service providers, ACER's supervisory powers over RRM's should also be similarly increased.*

**Amendment 124****Zdzisław Krasnodebski**

on behalf of the ECR Group

**Izabela-Helena Kloc, Elżbieta Kruk**

**Proposal for a regulation**  
**Recital 13**

*Text proposed by the Commission*

(13) In order to facilitate monitoring to detect potential trading based on inside information and data quality of collected information, the collection of inside information needs to be aligned with the current processes for trade data reporting.

*Amendment*

(13) In order to facilitate monitoring to detect potential trading based on inside information and data quality of collected information, the collection of inside information needs to be aligned with the current processes for trade data reporting. ***Market participants transmitting required data cannot be held responsible for technical problems occurring by IIP. At the same time market participants should be responsible for transmission to IIPs of correct and complete data in a timely manner.***

Or. en

**Amendment 125**  
**Marina Mesure**

**Proposal for a regulation**  
**Recital 13**

*Text proposed by the Commission*

(13) In order to facilitate monitoring to detect potential trading based on inside information and data quality of collected information, the collection of inside information needs to be aligned with the current processes for trade data reporting.

*Amendment*

(13) In order to facilitate monitoring to detect potential trading based on inside information and data quality of collected information, the collection of inside information needs to be aligned with the current processes for trade data reporting. ***Transparency and regulation of the practices of market participants must take precedence over considerations relating to the administrative burden on them.***

Or. fr

*Justification*

*Administrative burden is indeed a consideration to which too much importance is attached in this field.*

## Amendment 126

Claudia Gamon, Morten Petersen, Klemen Grošelj, Mauri Pekkarinen

### Proposal for a regulation

#### Recital 13 a (new)

*Text proposed by the Commission*

*Amendment*

***(13a) The reporting obligations on market participants should be minimised by collecting the required information or parts thereof from existing sources where possible. Market participants are not able to record and report organised market place data with ease, therefore organised market place data should be made available to the Agency by the relevant organised market places or by third parties acting on their behalf.***

Or. en

#### *Justification*

*Amendment necessary for pressing reasons relating to the internal logic of the text. No double-reporting should take place. Ensuring that market participants do not need to report data if these concerns organised market places.*

## Amendment 127

Zdzisław Krasnodebski

on behalf of the ECR Group

Izabela-Helena Kloc, Elżbieta Kruk

### Proposal for a regulation

#### Recital 14

*Text proposed by the Commission*

*Amendment*

(14) Persons professionally arranging ***and executing transactions*** have the obligation to report suspicious transactions in breach of the provisions on insider trading and market manipulation. To enhance the possibility of enforcement of such breaches, the persons professionally arranging transactions should also have the

(14) Persons professionally arranging have the obligation to report suspicious transactions in breach of the provisions on insider trading and market manipulation. To enhance the possibility of enforcement of such breaches, the persons professionally arranging transactions should also have the obligation to report

obligation to report suspicious orders **and potential breaches of the obligation to publish inside information. Direct electronic access providers and shared order-book providers should be considered as persons professionally arranging transactions.**

suspicious orders

Or. en

#### **Amendment 128**

**András Gyürk, Ernő Schaller-Baross**

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

##### **Recital 14**

*Text proposed by the Commission*

(14) Persons professionally arranging **and executing** transactions have the obligation to report suspicious transactions in breach of the provisions on insider trading and market manipulation. To enhance the possibility of enforcement of such breaches, the persons professionally arranging transactions should also have the obligation to report suspicious orders **and potential breaches of the obligation to publish inside information. Direct electronic access providers and shared order-book providers should be considered as persons professionally arranging transactions.**

*Amendment*

(14) Persons professionally arranging transactions have the obligation to report suspicious transactions in breach of the provisions on insider trading and market manipulation. To enhance the possibility of enforcement of such breaches, the persons professionally arranging transactions should also have the obligation to report suspicious orders

Or. en

*Justification*

*We propose to not make market parties executing transactions in wholesale markets subject to carry out surveillance of breaches. This would be a significant barrier for new entry of market parties in the electricity market and will stifle competition over time.*

#### **Amendment 129**

**Niels Fuglsang, Erik Bergkvist**

**Proposal for a regulation**  
**Recital 14**

*Text proposed by the Commission*

(14) Persons professionally arranging and executing transactions have the obligation to report suspicious transactions in breach of the provisions on insider trading and market manipulation. To enhance the possibility of enforcement of such breaches, the persons professionally arranging transactions should also have the obligation to report suspicious orders **and** potential breaches of the obligation to publish inside information. Direct electronic access providers and shared order-book providers should be considered as persons professionally arranging transactions.

*Amendment*

(14) Persons professionally arranging and executing transactions have the obligation to report suspicious transactions in breach of the provisions on insider trading and market manipulation. To enhance the possibility of enforcement of such breaches, the persons professionally arranging transactions should also have the obligation to report suspicious orders. ***Organised Market Places shall be required to report*** potential breaches of the obligation to publish inside information ***related to activities on their marketplace while the Agency shall be responsible for cross platform monitoring.*** Direct electronic access providers and shared order-book providers should be considered as persons professionally arranging transactions.

Or. en

*Justification*

*The idea is to separate the monitoring obligations for persons professionally arranging and executing transactions and Organised Market Places. Organised Market Places should monitor the publication of inside information related to activities in their marketplace, while ACER becomes responsible for cross platform monitoring. It is proposed that ACER is monitoring cross platform activities to ensure that market participants that are active on more than one Organised Market Places will also be monitored.*

**Amendment 130**  
**Marina Mesure**

**Proposal for a regulation**  
**Recital 16**

*Text proposed by the Commission*

(16) In order to obtain an accurate, objective and reliable assessment of the price for LNG deliveries to the Union, the

*Amendment*

(16) In order to obtain an accurate, objective and reliable assessment of the price for LNG deliveries to the Union, the

Agency should collect all the LNG market data that are necessary to establish a daily LNG price assessment. The price assessment should be undertaken based on all transactions pertaining to LNG deliveries to the Union. ACER should be empowered to collect this market data from all participants active in LNG deliveries to the Union. All such participants should be obliged to report all of their LNG market data to ACER as close to real time as technologically possible either after the conclusion of a transaction or the posting of a bid or offer to enter into a transaction. The ACER price assessment should comprise the most complete dataset including transaction prices and, as of 31 March 2023, bids and offer prices for LNG deliveries to the Union. The daily publication of this objective price assessment, and of the spread established in comparison to other reference prices on the market in the form of an LNG benchmark, paves the way for its voluntary uptake by market participants as the reference price in their contracts and transactions. Once established, the LNG price assessment and the LNG benchmark could also become a reference rate for derivatives contracts used for hedging the price of LNG or the difference in price between the LNG price and other gas prices.

Agency should collect all the LNG market data that are necessary to establish a daily LNG price assessment. The price assessment should be undertaken based on all transactions pertaining to LNG deliveries to the Union. ACER should be empowered to collect this market data from all participants active in LNG deliveries to the Union. All such participants should be obliged to report all of their LNG market data to ACER as close to real time as technologically possible either after the conclusion of a transaction or the posting of a bid or offer to enter into a transaction. The ACER price assessment should comprise the most complete dataset including transaction prices and, as of 31 March 2023, bids and offer prices for LNG deliveries to the Union. The daily publication of this objective price assessment, and of the spread established in comparison to other reference prices on the market in the form of an LNG benchmark, paves the way for its voluntary uptake by market participants as the reference price in their contracts and transactions. Once established, the LNG price assessment and the LNG benchmark could also become a reference rate for derivatives contracts used for hedging the price of LNG or the difference in price between the LNG price and other gas prices. ***The objective of this revision must be to reduce electricity prices and reduce the EU's dependence on gas. The use of gas, and in particular LNG, is a major source of greenhouse gas emissions. In order to bolster European sovereignty and mitigate climate change, in line with the objectives of the REPowerEU legislation and the FitFor55 legislative package, reducing the use of gas must remain a key principle of EU energy action. When discharging its duties, and in particular when issuing an opinion, ACER must take this objective into account.***

Or. fr



## *Justification*

*The objective of reducing the use of gas must remain a priority of EU legislation and of what ACER does. The purpose of establishing a reference price is to reduce LNG price volatility as part of more comprehensive action to reduce our dependence on and use of gas.*

### **Amendment 131**

**Jakop G. Dalunde**

on behalf of the Verts/ALE Group

### **Proposal for a regulation**

#### **Recital 16**

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

(16) In order to obtain an accurate, objective and reliable assessment of the price for LNG deliveries to the Union, the Agency should collect all the LNG market data that are necessary to establish a daily LNG price assessment. The price assessment should be undertaken based on all transactions pertaining to LNG deliveries to the Union. ACER should be empowered to collect this market data from all participants active in LNG deliveries to the Union. All such participants should be obliged to report all of their LNG market data to ACER as close to real time as technologically possible either after the conclusion of a transaction or the posting of a bid or offer to enter into a transaction. **The** ACER price assessment should comprise the most complete dataset including transaction prices and, as of 31 March 2023, bids and offer prices for LNG deliveries to the Union. The daily publication of this objective price assessment, and of the spread established in comparison to other reference prices on the market in the form of an LNG benchmark, paves the way for its voluntary uptake by market participants as the reference price in their contracts and transactions. Once established, the LNG price assessment and the LNG benchmark could also become a reference rate for

##### *Amendment*

(16) In order to obtain an accurate, objective and reliable assessment of the price for LNG deliveries to the Union, the Agency should collect all the LNG market data that are necessary to establish a daily LNG price assessment. The price assessment should be undertaken based on all transactions pertaining to LNG deliveries to the Union. ACER should be empowered to collect this market data from all participants active in LNG deliveries to the Union. All such participants should be obliged to report all of their LNG market data to ACER as close to real time as technologically possible either after the conclusion of a transaction or the posting of a bid or offer to enter into a transaction. ***Where ACER finds that an LNG market participant has not submitted required information, it could decide to impose fines.*** ACER price assessment should comprise the most complete dataset including transaction prices and, as of 31 March 2023, bids and offer prices for LNG deliveries to the Union. The daily publication of this objective price assessment, and of the spread established in comparison to other reference prices on the market in the form of an LNG benchmark, paves the way for its voluntary uptake by market participants as the reference price in their contracts and

derivatives contracts used for hedging the price of LNG or the difference in price between the LNG price and other gas prices.

transactions. Once established, the LNG price assessment and the LNG benchmark could also become a reference rate for derivatives contracts used for hedging the price of LNG or the difference in price between the LNG price and other gas prices.

Or. en

### *Justification*

*If an LNG company does not respect the obligation to report their market data, in such case ACER should have the power to issue a fine.*

## **Amendment 132**

**Jakop G. Dalunde**

on behalf of the Verts/ALE Group

## **Proposal for a regulation**

### **Recital 17**

#### *Text proposed by the Commission*

(17) Delegation of tasks and responsibilities can be an effective instrument to reduce duplication of tasks, foster cooperation and reduce the burden imposed on market participants. Therefore a clear legal basis should be provided for such delegation. National regulatory authorities should be able to delegate tasks and responsibilities to another national regulatory authority. Introducing specific conditions and limiting the scope for the delegation to what is necessary for the effective supervision of cross-border market participants or groups should be possible. Delegations should be governed by the principle of allocating competence to an authority which is best placed to take action on the subject matter.

#### *Amendment*

(17) Delegation of tasks and responsibilities can be an effective instrument to reduce duplication of tasks, foster cooperation and reduce the burden imposed on market participants. Therefore a clear legal basis should be provided for such delegation. National regulatory authorities should be able to delegate tasks and responsibilities to another national regulatory authority ***or to the Agency, with the delegates' prior approval. The Agency should stimulate and facilitate the delegation of tasks and responsibilities by identifying relevant tasks and responsibilities and by promoting best practices.*** Introducing specific conditions and limiting the scope for the delegation to what is necessary for the effective supervision of cross-border market participants or groups should be possible. Delegations should be governed by the principle of allocating competence to an authority which is best placed to take

action on the subject matter.

Or. en

*Justification*

*The delegation possibility currently only applies between NRAs. The blueprint Article 28 of the ESMA Regulation (EU) No 1095/2010 also foresees that delegations can take place from an NCA to ESMA. This practice would also be relevant for ACER and NRAs, especially for NRAs from smaller countries.*

**Amendment 133**  
**Marina Mesure**

**Proposal for a regulation**  
**Recital 17 a (new)**

*Text proposed by the Commission*

*Amendment*

***(17a) In conjunction with financial authorities, combating money laundering must be one of ACER's priority tasks as part of the process of supervising energy markets.***

Or. fr

**Amendment 134**  
**Marina Mesure**

**Proposal for a regulation**  
**Recital 17 b (new)**

*Text proposed by the Commission*

*Amendment*

***(17b) To make regulators more effective and restore public confidence in institutions, the rules on performance of duties within national regulators and the Agency must ensure that conflicts of interest are avoided as far as possible. Accordingly, Member States must take firm action regarding the deferral period in connection with the performance of certain duties, in particular within***

*organisations linked to the energy sector;*

Or. fr

## **Amendment 135**

**Marina Measure**

### **Proposal for a regulation**

#### **Recital 18**

*Text proposed by the Commission*

(18) A uniform and stronger framework to prevent market manipulation and other breaches of Regulation (EU) No 1227/2011 in the Member States is necessary. Penalties for breaches of that Regulation should be proportionate, effective and dissuasive and reflect the type of the breaches, taking into account the ne bis in idem principle. Administrative sanctions, penalty payments and supervisory measures are complementary parts of an effective enforcement regime. A harmonised supervision of the wholesale energy market requires a consistent approach among national regulatory authorities.

*Amendment*

(18) A uniform and stronger framework to prevent market manipulation and other breaches of Regulation (EU) No 1227/2011 in the Member States is necessary. Penalties for breaches of that Regulation, ***in that they are the best way of preventing market abuses***, should be proportionate, effective and dissuasive and reflect the type of the breaches, taking into account the ne bis in idem principle. Administrative sanctions, penalty payments and supervisory measures are complementary parts of an effective enforcement regime. A harmonised supervision of the wholesale energy market requires a consistent approach among national regulatory authorities.

Or. fr

## **Amendment 136**

**Claudia Gamon, Morten Petersen, Klemen Grošelj**

### **Proposal for a regulation**

#### **Recital 18 a (new)**

*Text proposed by the Commission*

*Amendment*

***(18a) It is essential that compliance with the rules on market abuse be strengthened by the availability of criminal sanctions, which demonstrate a stronger form of social disapproval compared to***

*administrative penalties. Establishing criminal offences for at least serious forms of market abuse sets clear boundaries for types of behaviour that are considered to be particularly unacceptable and sends a message to the public and to potential offenders that competent authorities take such behaviour very seriously.*

Or. en

*Justification*

*Amendment necessary for pressing reasons relating to the internal logic of the text. Member States should be able to provide for criminal sanctions for serious cases of breaches of rules on market abuse.*

**Amendment 137**

**Zdzisław Krasnodębski**

on behalf of the ECR Group

**Izabela-Helena Kloc, Elżbieta Kruk**

**Proposal for a regulation**

**Recital 18 a (new)**

*Text proposed by the Commission*

*Amendment*

*(18a) National regulatory authorities should be provided with the appropriate financial, human and technical resources, including specialised hardware and software, in order to adequately fulfil tasks assigned to them under this Regulation.*

Or. en

*Justification*

*The revision introduces a lot of new responsibilities for NRAs that might have difficulties to implement them with available limited resources. Member States should ensure that NRAs have increased funding to cover the costs of additional personnel, required trainings, as well as purchase of hardware and software.*

**Amendment 138**

**Claudia Gamon, Morten Petersen, Klemen Grošelj**

**Proposal for a regulation**

**Recital 18 b (new)**

*Text proposed by the Commission*

*Amendment*

***(18b) Not all Member States have provided for criminal sanctions for some forms of serious breaches of national law implementing Regulation (EU) 1227/2011. Different approaches by Member States undermine the uniformity of conditions of operation in the internal market and may provide an incentive for persons to carry out market abuse in Member States which do not provide for criminal sanctions for those offences. In addition, there has, to date, been no Union-wide understanding of conduct that is considered to constitute a serious breach of the rules on market abuse. Therefore, minimum rules should be established with regard to the definition of criminal offences committed by natural persons, liability of legal persons and the relevant sanctions. Common minimum rules would also make it possible to use more effective methods of investigation and enable more effective cooperation within and between Member States. The absence of common criminal sanction regimes across the Union creates opportunities for perpetrators of market abuse to take advantage of lighter regimes in some Member States. The imposition of criminal sanctions for market abuse will have an increased deterrent effect on potential offenders.***

Or. en

*Justification*

*Amendment necessary for pressing reasons relating to the internal logic of the text. Member States should be able to provide for criminal sanctions for serious cases of breaches of rules on market abuse.*

## Amendment 139

Claudia Gamon, Morten Petersen, Klemen Grošelj

### Proposal for a regulation

#### Recital 18 c (new)

*Text proposed by the Commission*

*Amendment*

***(18c) The introduction by all Member States of criminal sanctions for at least serious market abuse offences is therefore essential to ensure the effective implementation of Union policy on fighting market abuse.***

Or. en

#### *Justification*

*Amendment necessary for pressing reasons relating to the internal logic of the text. Member States should be able to provide for criminal sanctions for serious cases of breaches of rules on market abuse.*

## Amendment 140

Marina Mesure

### Proposal for a regulation

#### Recital 19

*Text proposed by the Commission*

*Amendment*

(19) To date, the supervision and enforcement of activities under Regulation (EU) No 1227/2011 have been the responsibility of the Member States. Market abuse behaviours are increasingly cross-border in nature, often affecting several Member States. Enforcement action against cross-border market abuses can present jurisdictional challenges relating to the identification of the national regulatory authority that would be best placed to pursue the investigation in question.

(19) To date, the supervision and enforcement of activities under Regulation (EU) No 1227/2011 have been the responsibility of the Member States. Market abuse behaviours are increasingly cross-border in nature, often affecting several Member States. ***Albeit without calling into question the competence and know-how of Member States in this field, the fact is that*** enforcement action against cross-border market abuses can present jurisdictional challenges relating to the identification of the national regulatory authority that would be best placed to

pursue the investigation in question.

Or. fr

#### **Amendment 141**

**Zdzisław Krasnodębski**

on behalf of the ECR Group

**Izabela-Helena Kloc, Elżbieta Kruk**

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

##### **Recital 20**

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

(20) Market abuse cases involving multiple cross-border elements and market participants established outside the Union are also particularly challenging from an enforcement perspective. The current supervisory set-up is not appropriate for the desired level of market integration. The absence of a mechanism to ensure the best possible supervisory decisions for cross-border cases, where joint action by national regulatory authorities and the Agency currently requires complicated arrangements and where there is a patchwork of supervisory regimes must be addressed. There is therefore a need to set up an efficient and effective supervisory and investigatory *regime* for this type of market abuse cases, which cannot, due to its Union wide features, be addressed by Member State action alone.

###### *Amendment*

(20) Market abuse cases involving multiple cross-border elements and market participants established outside the Union are also particularly challenging from an enforcement perspective. The current supervisory set-up is not appropriate for the desired level of market integration. The absence of a mechanism to ensure the best possible supervisory decisions for cross-border cases, where joint action by national regulatory authorities and the Agency currently requires complicated arrangements and where there is a patchwork of supervisory regimes must be addressed. There is therefore a need to set up an efficient and effective supervisory and investigatory *mechanism* for this type of market abuse cases, which *at times* cannot, due to its Union wide features, be addressed by Member State action alone. ***The national regulatory authority should take into account the conclusions of the report prepared by the Agency in their own investigative procedures. The procedural guarantees and fundamental rights of the persons concerned should be fully respected by the national regulatory authority according to applicable national law.***

Or. en



**Amendment 142**  
**Marina Mesure**

**Proposal for a regulation**  
**Recital 20**

*Text proposed by the Commission*

(20) Market abuse cases involving multiple cross-border elements and market participants established outside the Union are also particularly challenging from an enforcement perspective. The current supervisory set-up is not appropriate for the desired level of market integration. The absence of a mechanism to ensure the best possible supervisory decisions for cross-border cases, where joint action by national regulatory authorities and the Agency currently requires complicated arrangements and where there is a patchwork of supervisory regimes must be addressed. There is therefore a need to set up an efficient and effective supervisory and investigatory regime for this type of market abuse cases, which cannot, due to its Union wide features, be addressed by Member State action alone.

*Amendment*

(20) Market abuse cases involving multiple cross-border elements and market participants established outside the Union are also particularly challenging from an enforcement perspective. The current supervisory set-up is not appropriate for the desired level of market integration. The absence of a mechanism to ensure the best possible supervisory decisions for cross-border cases, where joint action by national regulatory authorities and the Agency currently requires complicated arrangements and where there is a patchwork of supervisory regimes must be addressed. There is therefore a need to set up, ***on the basis of proper cooperation with national regulators***, an efficient and effective supervisory and investigatory regime for this type of market abuse cases, which cannot, due to its Union wide features, be addressed by Member State action alone.

Or. fr

*Justification*

*National regulators remain best placed to carry out the necessary investigations and address market abuses. In the case of cross-border abuses, the role of ACER must be to support the action taken by national authorities.*

**Amendment 143**  
**Jakop G. Dalunde**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Recital 21**

*Text proposed by the Commission*

(21) The investigation of breaches of this Regulation with a cross-border dimension should be carried out through a uniform process at Union level. Complexity of cross-border cases and the need to ensure sufficient resources for such cases requires involvement of the Agency, in particular in more integrated energy market. Since the entry into force of Regulation (EU) No 1227/2011, the Agency has gained significant experience in monitoring and collecting relevant data on the wholesale energy markets in the Union to ensure their integrity and transparency. Building on this experience, the Agency should be empowered to carry out investigations to fight against the breaches of the provisions of Regulation (EU) No 1227/2011. The Agency **should** carry out such investigations in cooperation with the national regulatory authorities **with the purpose of supporting and complementing their enforcement activities**. Equally, in the context of an investigation by the Agency, where necessary, relevant national regulatory authorities should cooperate amongst each other in assisting the Agency.

*Amendment*

(21) The investigation of breaches of this Regulation with a cross-border dimension should be carried out through a uniform process at Union level. Complexity of cross-border cases and the need to ensure sufficient resources for such cases requires involvement of the Agency, in particular in more integrated energy market. Since the entry into force of Regulation (EU) No 1227/2011, the Agency has gained significant experience in monitoring and collecting relevant data on the wholesale energy markets in the Union to ensure their integrity and transparency. Building on this experience, the Agency should be empowered to carry out investigations to fight against the breaches of the provisions of Regulation (EU) No 1227/2011, **including by appointing an independent investigating officer within the Agency with powers to conduct on-site inspections, request information and conduct interviews**. The Agency **may** carry out such investigations in cooperation with the national regulatory authorities. Equally, in the context of an investigation by the Agency, where necessary, relevant national regulatory authorities should cooperate amongst each other in assisting the Agency.

Or. en

*Justification*

*To exercise its investigative functions, the Agency should be able to appoint an officer with a broad mandate. Also, it is important to strengthen investigating powers of ACER by removing the ability of national regulatory authorities (NRAs) or Member States to prevent an investigation from taking place. The Commission's proposal de facto grants this power to NRAs while the Greens maintain that ACER should be able to investigate independently from national authorities.*

**Amendment 144**

**Zdzisław Krasnodębski**

on behalf of the ECR Group

**Izabela-Helena Kloc, Elżbieta Kruk**

**Proposal for a regulation**  
**Recital 21**

*Text proposed by the Commission*

(21) The investigation of breaches of this Regulation with a cross-border dimension should be carried out through a uniform process at Union level.

Complexity of cross-border cases and the need to ensure sufficient resources for such cases *requires* involvement of the Agency, in particular in more integrated energy market. Since the entry into force of Regulation (EU) No 1227/2011, the Agency has gained significant experience in monitoring and collecting relevant data on the wholesale energy markets in the Union to ensure their integrity and transparency. Building on this experience, the Agency should be empowered to carry out investigations to fight against the breaches of the provisions of Regulation (EU) No 1227/2011. The Agency should carry out such investigations *in* cooperation with the national regulatory authorities with the purpose of supporting and complementing their enforcement activities. Equally, in the context of an investigation by the Agency, where necessary, relevant national regulatory authorities should cooperate amongst each other in assisting the Agency.

*Amendment*

(21) The investigation of breaches of this Regulation with a cross-border dimension should be carried out through a uniform process at Union level.

Complexity of cross-border cases and the need to ensure sufficient resources for such cases *may require* involvement of the Agency, in particular in more integrated energy market. Since the entry into force of Regulation (EU) No 1227/2011, the Agency has gained significant experience in monitoring and collecting relevant data on the wholesale energy markets in the Union to ensure their integrity and transparency. Building on this experience, the Agency should be empowered to carry out investigations to fight against the breaches of the provisions of Regulation (EU) No 1227/2011. The Agency should carry out such investigations *upon a request from and in close* cooperation with the national regulatory authorities with the purpose of supporting and complementing their enforcement activities. Equally, in the context of an investigation by the Agency, where necessary, relevant national regulatory authorities should cooperate amongst each other in assisting the Agency.

Or. en

**Amendment 145**

**Jakop G. Dalunde**

on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Recital 21 a (new)**

***(21a) To fulfil the new obligations assigned to it, in particular those relating to enhanced investigatory and sanctioning powers in cross-border cases, the Agency should have adequate staff and the ability to hire additional personnel, if necessary. For this reason, instead of 25 additional full time equivalent (FTE) indicated in the financial statement, ACER should be able to hire at least 100 FTE. The Agency should be allowed to hire the staff it needs immediately, rather than through a phased approach. Also, the Agency should receive additional budgetary resources to deploy advanced and innovative data analysis tools to detect potential irregular patterns in trading or cross-border allocations.***

Or. en

*Justification*

*European Court of Auditors in its special report of 2023 concluded that ACER's market monitoring has been undermined by the lack of staff. This problem should be addressed urgently. Also, deploying advanced data analysis tools would be very helpful and cost-efficient in investigating potential irregular patterns in trading or cross-border allocations.*

**Amendment 146**

**Jakop G. Dalunde**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Recital 21 b (new)**

***(21b) There are concerns that excessive delays in handling reports of possible breaches of this Regulation as well as ineffective cooperation between authorities, have impeded or prevented the investigation of cases. Therefore this Regulation should clarify the responsibility of national regulatory authorities to ensure an effective working***

***process in handling reports, including setting a one-year maximum for processing of reports. The Agency should have the possibility to take over investigation where a national regulatory authority is not fulfilling its obligations under this Regulation.***

Or. en

*Justification*

*There have been cases where reports have not been processed for years, and handed over to competent financial authorities so late that it caused serious limitations to the ability to investigate a possible crime.*

**Amendment 147**

**Zdzisław Krasnodębski**

on behalf of the ECR Group

**Izabela-Helena Kloc, Elżbieta Kruk**

**Proposal for a regulation**

**Recital 22**

*Text proposed by the Commission*

(22) The Agency should be empowered to carry out investigations by conducting on-site inspections and by issuing requests for information to the persons under investigations, ***in particular*** where the suspected breaches of Regulation (EU) No 1227/2011 have a clear cross-border dimension. In undertaking the on-site inspections and in issuing requests for information to the persons under investigations, the Agency should closely and actively cooperate with the relevant national regulatory authorities, which in turn should provide the Agency with full assistance, including where a person refuses to be subject to the inspection or to provide the requested information. It is important that the procedural guarantees and fundamental rights of the persons concerned of the persons subject to the Agency's investigations are fully

*Amendment*

(22) The Agency should be empowered to carry out investigations ***upon a request from national regulatory authorities concerned*** by conducting on-site inspections and by issuing requests for information to the persons under investigations where the suspected breaches of Regulation (EU) No 1227/2011 have a clear cross-border dimension. In undertaking the on-site inspections and in issuing requests for information to the persons under investigations, the Agency should closely and actively cooperate with the relevant national regulatory authorities ***who requested the Agency assistance***, which in turn should provide the Agency with full assistance, including where a person refuses to be subject to the inspection or to provide the requested information. It is important that the procedural guarantees and fundamental

respected. The confidentiality of the information submitted by the persons subject to the investigation should be safeguarded exchanged in accordance with applicable Union data protection rules.

rights of the persons concerned of the persons subject to the Agency's investigations are fully respected. The confidentiality of the information submitted by the persons subject to the investigation should be safeguarded exchanged in accordance with applicable Union data protection rules.

Or. en

**Amendment 148**  
**Marina Mesure**

**Proposal for a regulation**  
**Recital 22**

*Text proposed by the Commission*

(22) The Agency should be empowered to carry out investigations by conducting on-site inspections and by issuing requests for information to the persons under investigations, in particular where the suspected breaches of Regulation (EU) No 1227/2011 have a clear cross-border dimension. In undertaking the on-site inspections and in issuing requests for information to the persons under investigations, the Agency should closely and actively cooperate with the relevant national regulatory authorities, which in turn should provide the Agency with full assistance, including where a person refuses to be subject to the inspection or to provide the requested information. It is important that the procedural guarantees and fundamental rights of the persons concerned of the persons subject to the Agency's investigations are fully respected. The confidentiality of the information submitted by the persons subject to the investigation should be safeguarded exchanged in accordance with applicable Union data protection rules.

*Amendment*

(22) The Agency should be empowered to carry out investigations, **with the agreement of national authorities**, by conducting on-site inspections and by issuing requests for information to the persons under investigations, in particular where the suspected breaches of Regulation (EU) No 1227/2011 have a clear cross-border dimension. In undertaking the on-site inspections and in issuing requests for information to the persons under investigations, the Agency should closely and actively cooperate with the relevant national regulatory authorities, which in turn should provide the Agency with full assistance, including where a person refuses to be subject to the inspection or to provide the requested information. It is important that the procedural guarantees and fundamental rights of the persons concerned of the persons subject to the Agency's investigations are fully respected. The confidentiality of the information submitted by the persons subject to the investigation should be safeguarded exchanged in accordance with applicable

*Justification*

*The fact that ACER carries out its duties must be without prejudice to Member States' exclusive competence as regards policing.*

**Amendment 149**

**Jakop G. Dalunde**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Recital 22**

*Text proposed by the Commission*

(22) The Agency should be empowered to carry out investigations by conducting on-site inspections and by issuing requests for information to the persons under investigations, in particular where the suspected breaches of Regulation (EU) No 1227/2011 have a clear cross-border dimension. In undertaking the on-site inspections and in issuing requests for information to the persons under investigations, the Agency *should* closely and actively cooperate with the relevant national regulatory authorities, which in turn should provide the Agency with full assistance, including where a person refuses to be subject to the inspection or to provide the requested information. It is important that the procedural guarantees and fundamental rights of the persons concerned of the persons subject to the Agency's investigations are fully respected. The confidentiality of the information submitted by the persons subject to the investigation should be safeguarded exchanged in accordance with applicable Union data protection rules.

*Amendment*

(22) The Agency should be empowered to carry out investigations by conducting on-site inspections and by issuing requests for information to the persons under investigations, in particular where the suspected breaches of Regulation (EU) No 1227/2011 have a clear cross-border dimension. In undertaking the on-site inspections and in issuing requests for information to the persons under investigations, the Agency *may* closely and actively cooperate with the relevant national regulatory authorities, which in turn should provide the Agency with full assistance, including where a person refuses to be subject to the inspection or to provide the requested information. It is important that the procedural guarantees and fundamental rights of the persons concerned of the persons subject to the Agency's investigations are fully respected. The confidentiality of the information submitted by the persons subject to the investigation should be safeguarded exchanged in accordance with applicable Union data protection rules.



*Justification*

*The investigating powers of ACER should be strengthened by removing the ability of national regulatory authorities (NRAs) or Member States to prevent an investigation from taking place. The Commission's proposal de facto grants this power to NRAs while the Greens maintain that ACER should be able to investigate independently from national authorities.*

**Amendment 150**

**Jakop G. Dalunde**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Recital 22 a (new)**

*Text proposed by the Commission*

*Amendment*

***(22a) Where ACER finds that an infringement of requirements set out in this Regulation has been committed, it should have the ability to take enforcement measures, including imposing fines and issuing public notices***

Or. en

*Justification*

*To ensure the enforcement of the Regulation and to increase deterrence, the Agency must have the power to take measures such as imposing fines or issuing public notices.*

**Amendment 151**

**Jakop G. Dalunde**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Recital 22 b (new)**

*Text proposed by the Commission*

*Amendment*

***(22b) The Agency's performance in relation with its objectives, mandate and tasks defined in this Regulation should be periodically evaluated by the Commission. This evaluation, submitted in the form of a report to the European Parliament and the Council, could address the possible***



***need to modify the mandate of the Agency, and the financial implications of any such modification.***

Or. en

### *Justification*

*The Agency's performance in relation with its objectives, mandate and tasks defined in this Regulation should be periodically evaluated by the Commission. This evaluation, submitted in the form of a report to the European Parliament and the Council, could address the possible need to modify the mandate of the Agency, and the financial implications of any such modification*

## **Amendment 152** **Sandra Pereira**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 1 – point a**

REGULATION (EU) No 1227/2011 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October

Article 1

#### *Text proposed by the Commission*

2. This Regulation applies to trading in wholesale energy products. This Regulation is without prejudice to the application of Directive (EU) 2014/65, Regulation (EU) 600/2014 and Regulation (EU) 648/2012 as regards activities involving financial instruments as defined under Article 4(1)(15) of Directive (EU) 2014/65 as well as to the application of European competition law to the practices covered by this Regulation.;

#### *Amendment*

2. This Regulation applies to trade in wholesale energy products and ***should serve to combat the volatility of energy prices and the lack of transparency in the price formation process and to protect consumers in the face of rising energy prices, in particular by setting maximum energy and fuel prices, putting an end to the marginal pricing rule and establishing the value of the real cost of production as the starting point for calculating prices and margins for liquid fuels.*** This Regulation is without prejudice to the application of Directive (EU) 2014/65, Regulation (EU) 600/2014 and Regulation (EU) 648/2012 as regards activities involving financial instruments as defined under Article 4(1)(15) of Directive (EU) 2014/65 as well as to the application of European competition law to the practices covered by this Regulation.;

**Amendment 153**

**Jakop G. Dalunde**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 1 – point b a (new)**

Regulation (EU) No 1227/2011

Article 1– paragraph 5 a (new)

*Text proposed by the Commission*

*Amendment*

***(ba) The Agency’s Administrative Board shall ensure that the Agency has adequate staff and the ability to hire additional personnel, if necessary, to fulfil the new obligations assigned to it.***

Or. en

*Justification*

*European Court of Auditors in its special report of 2023 concluded that ACER’s market monitoring has been undermined by the lack of staff. This problem should be addressed urgently.*

**Amendment 154**

**Patrizia Toia, Robert Hajšel, Niels Fuglsang, Carlos Zorrinho**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point a – paragraph 1**

Regulation (EU) No 1227/2011

Article 2, paragraph 1, point 1 – point (e) new

*Text proposed by the Commission*

*Amendment*

(e) information conveyed by a client or by other persons acting on the client’s behalf and relating to the client’s pending orders in wholesale energy products, which is of a precise nature, relating directly or indirectly, to one or more wholesale energy products;

(e) information conveyed by a client or by other persons acting on the client’s behalf and relating to the client’s pending orders in wholesale energy products, which is of a precise nature, relating directly or indirectly, to one or more wholesale energy products ***and which, if it were made public, would be likely to significantly affect the prices of those wholesale energy***

*products;*

Or. en

*Justification*

*Alignment of the text throughout the EC proposal, that takes inspiration from ACER guidelines. The assessment of the likelihood of price effect has to be performed by a market participant on a case by-case basis. The market participant should take into consideration the anticipated effect of the information in light of the nature of the information, as well as the specificities of the market and the market situation at the time of the assessment.*

**Amendment 155**

**Zdzisław Krasnodębski**

on behalf of the ECR Group

**Izabela-Helena Kloc, Elżbieta Kruk**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point a – paragraph 1**

Regulation (EU) No 1227/2011

Article 2 – paragraph 1 – point e

*Text proposed by the Commission*

(e) information conveyed by a *client* or by other persons acting on the *client's* behalf and relating to the *client's* pending orders in wholesale energy products, which is of a precise nature, relating directly or indirectly, to one or more wholesale energy products;

*Amendment*

(e) information conveyed by a *market participant* or by other persons acting on the *market participant's* behalf and relating to the *market participant's* pending orders in wholesale energy products, which is of a precise nature, relating directly or indirectly, to one or more wholesale energy products;

Or. en

**Amendment 156**

**Marina Mesure**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point a – paragraph 1**

Regulation (EU) No 1227/2011

Article 2

*Text proposed by the Commission*

*Amendment*

“(e) information conveyed by a *client* or by other persons acting on the *client’s* behalf and relating to the *client’s* pending orders in wholesale energy products, which is of a precise nature, relating directly or indirectly, to one or more wholesale energy products”;

“(e) information conveyed by a *market participant* or by other persons acting on the *market participant’s* behalf and relating to the *market participant’s* pending orders in wholesale energy products, which is of a precise nature, relating directly or indirectly, to one or more wholesale energy products”;

Or. fr

*Justification*

*Legislative drafting amendment: use of the appropriate terminology.*

**Amendment 157**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 2 – point b**  
Regulation (EU) 1227/2011  
Article 2, paragraph 1, point 1 – subparagraph 5

*Text proposed by the Commission*

*For the purposes of paragraph 1, information which, if it were made public, would be likely to significantly affect the prices of those wholesale energy products shall mean information a reasonable investor would be likely to use as part of the basis of his or her investment decision(s);*

*Amendment*

*deleted*

Or. en

**Amendment 158**  
**Marina Mesure**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 2 – point b**  
Regulation (EU) No 1227/2011  
Article 2, paragraph 1, point 1 – subparagraph 5

*Text proposed by the Commission*

For the purposes of paragraph 1, information which, if it were made public, would be likely to significantly affect the prices of those wholesale energy products shall mean information a reasonable **investor** would be likely to use as part of the basis of his or her **investment** decision(s);

*Amendment*

For the purposes of paragraph 1, information which, if it were made public, would be likely to significantly affect the prices of those wholesale energy products shall mean information a reasonable **market participant** would be likely to use as part of the basis of his or her decision(s) **to enter into a wholesale market transaction or issue an order to trade relating to the wholesale energy market;**

Or. fr

*Justification*

*Legislative drafting amendment to bring the text of the regulation into line with its objectives.*

**Amendment 159**

**Zdzisław Krasnodębski**

on behalf of the ECR Group

**Izabela-Helena Kloc, Elżbieta Kruk**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point b**

Regulation (EU) No 1227/2011

Article 2 – paragraph 1 – subparagraph 5

*Text proposed by the Commission*

For the purposes of paragraph 1, information which, if it were made public, would be likely to significantly affect the prices of those wholesale energy products shall mean information a reasonable **investor** would be likely to use as part of the basis of his or her **investment** decision(s);

*Amendment*

For the purposes of paragraph 1, information which, if it were made public, would be likely to significantly affect the prices of those wholesale energy products shall mean information a reasonable **market participant** would be likely to use as part of the basis of his or her decision(s) **to enter into transaction or to issue an order to trade;**

Or. en

**Amendment 160**

**Jakop G. Dalunde**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point b**

Regulation (EU) No 1227/2011

Article 2 – point (1) subparagraph 5a (new)

*Text proposed by the Commission*

*Amendment*

*After consultations with the Agency and relevant stakeholders, the Commission shall be empowered, by means of delegated act, to develop guidelines and to elaborate the definition of inside information.*

*The Agency shall establish a contact point for market participants seeking clarification on whether or not a specific information shall constitute inside information according to this Regulation and the relevant delegated act.*

Or. en

*Justification*

*As inside information is not always easy to identify, it would be helpful to have a contact point in the Agency for market participants seeking advice or clarification on whether one or another information can be qualified as inside information.*

**Amendment 161**

**Patrizia Toia, Robert Hajšel, Niels Fuglsang, Carlos Zorrinho**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point b**

Regulation (EU) No 1227/2011

Article 2, paragraph 1, point 1 – subparagraph 5a (new)

*Text proposed by the Commission*

*Amendment*

*- For the purposes of paragraph 1, information that has a possible effect on the demand, supply and/or prices of a wholesale energy product, or on the expectations of the demand, supply and/or prices of a wholesale energy product, shall be considered as directly or*

*indirectly related to the wholesale energy product;*

Or. en

*Justification*

*Amendment inspired by ACER guidelines on REMIT*

**Amendment 162**

**Patrizia Toia, Robert Hajšel, Niels Fuglsang, Carlos Zorrinho**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point b**

Regulation (EU) No 1227/2011

Article 2, paragraph 1, point 1 – subparagraph 5b (new)

*Text proposed by the Commission*

*Amendment*

*“reasonable market participant’ may encompass different profiles of market participants (e.g. beginner, average, informed, professional market participant) with different trading strategies (e.g. portfolio optimisation, arbitrage, speculative) covering short-term and/or long-term products.*

Or. en

*Justification*

*Amendment inspired by ACER guidelines on REMIT*

**Amendment 163**

**Jakop G. Dalunde**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point c**

Regulation (EU) No 1227/2011

Article 2 – paragraph 1 – point 2 – point a

*Text proposed by the Commission*

*Amendment*

(a) entering into any transaction,

(a) entering into any transaction,

issuing any order to trade or engaging in any other behaviour relating to wholesale energy products which:

issuing any order to trade or engaging in any other behaviour relating to wholesale energy products *or relevant infrastructure* which:

Or. en

*Justification*

*This clarification is needed in order to cover unexpected and potentially politically motivated pipeline “maintenance works”.*

**Amendment 164**

**Marian-Jean Marinescu**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point c**

Regulation (EU) 1227/2011

Article 2 – paragraph 1 – point 2 – point a

*Text proposed by the Commission*

(a) entering into any transaction, issuing any order to trade *or engaging in any other behaviour relating to* wholesale energy products which:

*Amendment*

(a) entering into any transaction, *or* issuing, *modifying or withdrawing* any order to trade *in* wholesale energy products which:

Or. en

**Amendment 165**

**Jakop G. Dalunde**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point c**

Regulation (EU) No 1227/2011

Article 2 – paragraph 1 – point 2 – point ii

*Text proposed by the Commission*

(ii) secures, or is likely to secure , by a person, or persons acting in collaboration, the price of one or several wholesale energy products at an artificial level, unless the person who entered into the transaction

*Amendment*

(ii) secures, or is likely to secure , by a person, or persons acting in collaboration, the price of one or several wholesale energy products at an *abnormal or* artificial level, unless the person who



or issued the order to trade establishes that his reasons for doing so are legitimate and that that transaction or order to trade conforms to accepted market practices on the wholesale energy market concerned; or

entered into the transaction or issued the order to trade establishes that his reasons for doing so are legitimate and that that transaction or order to trade conforms to accepted market practices on the wholesale energy market concerned; or

Or. en

## Amendment 166

Patrizia Toia, Robert Hajšel, Niels Fuglsang, Carlos Zorrinho

### Proposal for a regulation

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

Regulation (EU) No 1227/2011

Article 2, paragraph 2, point (b)

#### *Present text*

(b) disseminating information through the media, including the internet, or by any other means, which gives, or is likely to give, false or misleading signals as to the supply of, demand for, or price of wholesale energy products, including the dissemination of rumours and false or misleading news, where the disseminating person knew, or ought to have known, that the information was false or misleading.

When information is disseminated for the purposes of journalism or artistic expression, such dissemination of information shall be assessed taking into account the rules governing the freedom of the press and freedom of expression in other media, unless:

- (i) those persons derive, directly or indirectly, an advantage or profits from the dissemination of the information in question; or
- (ii) the disclosure or dissemination is made with the intention of misleading the market

#### *Amendment*

***(c a) paragraph 2, point (b), is replaced by the following:***

"(b) disseminating information through the media, including the internet, or by any other means, which gives, or is likely to give, false or misleading signals as to ***the available transmission capacity, or*** the supply of, demand for, or price of wholesale energy products, including the dissemination of rumours and false or misleading news, where the disseminating person knew, or ought to have known, that the information was false or misleading.

When information is disseminated for the purposes of journalism or artistic expression, such dissemination of information shall be assessed taking into account the rules governing the freedom of the press and freedom of expression in other media, unless:

- (i) those persons derive, directly or indirectly, an advantage or profits from the dissemination of the information in question; or
- (ii) the disclosure or dissemination is made with the intention of misleading the market

as to the supply of, demand for, or price of  
wholesale energy products;

as to the supply of, demand for, or price of  
wholesale energy products;"

Or. en

*(Regulation (EU) No 1227/2011)*

*Justification*

*The amendment aims at covering withholding available transmission capacity information as a form of market manipulation*

**Amendment 167**

**Patrizia Toia, Robert Hajšel, Niels Fuglsang, Carlos Zorrinho**

**Proposal for a regulation**

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

Regulation (EU) No 1227/2011

Article 2 – point 2 . letter (c a) new

*Text proposed by the Commission*

*Amendment*

***(ea) giving orders to trade or undertaking transactions at or around a specific time when reference prices, settlement prices and valuations are calculated and lead to price changes which have an effect on such prices and valuations.***

Or. en

*Justification*

*Annex I - MAR Regulation*

**Amendment 168**

**Patrizia Toia**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point f – introductory part**

*Text proposed by the Commission*

*Amendment*

(f) in paragraph (4), ***point (a) is***

(f) in paragraph (4), ***points (a) and (b)***

replaced by the following:

*are* replaced by the following:

Or. en

**Amendment 169**

**Jakop G. Dalunde**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point f**

Regulation (EU) No 1227/2011

Article 2 – paragraph 1 – point 4 – point a

*Text proposed by the Commission*

(a) contracts for the supply of electricity or natural gas where delivery is in the Union or contracts for the supply of electricity or natural gas which may result in delivery in the Union;”;

*Amendment*

(a) ***all*** contracts for the supply of electricity or natural gas where delivery is in the Union or contracts for the supply of electricity or natural gas which may result in delivery in the Union, ***including for balancing markets as well as contracts for difference and power purchase agreements;***

Or. en

**Amendment 170**

**Claudia Gamon, Morten Petersen, Klemen Grošelj**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point f**

Regulation (EU) No 1227/2011

Article 2 – paragraph 1 point (4), point (a)

*Text proposed by the Commission*

(a) contracts for the supply of electricity or natural gas where delivery is in the Union or contracts for the supply of electricity or natural gas which may result in delivery in the Union;”;

*Amendment*

(a) contracts for the supply of electricity or natural gas, ***including LNG market data***, where delivery is in the Union or contracts for the supply of electricity or natural gas which may result in delivery in the Union;”;

Or. en

### *Justification*

*Amendment necessary for pressing reasons relating to the internal logic of the text.  
Amendment necessary to integrate the LNG price assessment and benchmark task better into REMIT as a prerequisite for streamlining the current double-reporting of REMIT data and LNG market data with the review of the REMIT implementing acts*

#### **Amendment 171**

**Zdzisław Krasnodebski**

on behalf of the ECR Group

**Izabela-Helena Kloc, Elżbieta Kruk**

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

**Article 1 – paragraph 1 – point 2 – point f**

Regulation (EU) No 1227/2011

Article 2 – paragraph 4 – point a

*Text proposed by the Commission*

*Amendment*

(a) contracts for the supply of electricity or natural gas where delivery is in the Union or contracts for the supply of electricity or natural gas which **may** result in delivery in the Union;”;

(a) contracts for the supply of electricity or natural gas where delivery is in the Union or contracts for the supply of electricity or natural gas which result in delivery in the Union;”;

Or. en

### *Justification*

*It is not clear how the potential for a delivery in the Union could be evaluated, if not fixed in the contract.*

#### **Amendment 172**

**Marina Mesure**

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

**Article 1 – paragraph 1 – point 2 – point f**

Regulation (EU) No 1227/2011

Article 2

*Text proposed by the Commission*

*Amendment*

**(aa) (e) contracts relating to the storage of electricity;**

**(f) derivatives relating to the storage of**

*natural gas;*

Or. fr

*Justification*

*The aim of the Commission's revision of the EMD Regulation is to financialise storage and shaving. The products concerned should therefore be covered in order to prevent market abuses. Gas storage derivatives should also be taken into account, given the strengthened position of LNG in Europe and the financialisation of that product.*

**Amendment 173**

**Patrizia Toia**

**Proposal for a regulation**

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

Regulation (EU) No 1227/2011

Article 2 – paragraph 4 – point b

*Present text*

derivatives relating to electricity or natural gas produced, traded or delivered in the Union;

*Amendment*

***(f a) Paragraph 4, point b is replaced by the following***

***"(b) derivatives relating to electricity or natural gas produced, traded or delivered in the Union or derivatives relating to electricity or natural gas which may result in delivery in the Union;"***

Or. en

*(Regulation 1227/2011)*

**Amendment 174**

**Claudia Gamon, Morten Petersen, Klemen Grošelj**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point g**

Regulation (EU) No 1227/2011

Article 2 – paragraph 1, point (7)

*Text proposed by the Commission*

(7) 'market participant' means any person, including transmission system

*Amendment*

(7) 'market participant' means any person, including transmission system

operators and persons professionally arranging or executing transactions when trading on their own account, who enters into transactions, including the placing of orders to trade, in one or more wholesale energy markets; ”;

operators, **LNG market participant** and persons professionally arranging or executing transactions when trading on their own account, who enters into transactions, including the placing of orders to trade, in one or more wholesale energy markets; ”;

Or. en

#### *Justification*

*Amendment necessary for pressing reasons relating to the internal logic of the text.  
Amendment necessary to integrate the LNG price assessment and benchmark task better into REMIT as a prerequisite for streamlining the current double-reporting of REMIT data and LNG market data with the review of the REMIT implementing acts*

#### **Amendment 175**

**András Gyürk, Ernő Schaller-Baross**

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

**Article 1 – paragraph 1 – point 2 – point g**

Regulation (EU) No 1227/2011

Article 2 – paragraph 7

#### *Text proposed by the Commission*

(7) ‘market participant’ means any person, including transmission system operators and persons professionally arranging **or executing** transactions when trading on their own account, who enters into transactions, including the placing of orders to trade, in one or more wholesale energy markets; ”;

#### *Amendment*

(7) ‘market participant’ means any person, including transmission system operators and persons professionally arranging transactions when trading on their own account, who enters into transactions, including the placing of orders to trade, in one or more wholesale energy markets; ”;

Or. en

#### **Amendment 176**

**Zdzisław Krasnodębski**

on behalf of the ECR Group

**Izabela-Helena Kloc, Elżbieta Kruk**

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

**Article 1 – paragraph 1 – point 2 – point g**

*Text proposed by the Commission*

(7) ‘market participant’ means any person, including transmission system operators and persons professionally arranging **or executing** transactions when trading on their own account, who enters into transactions, including the placing of orders to trade, in one or more wholesale energy markets;”;

*Amendment*

(7) ‘market participant’ means any person, including transmission system operators and persons professionally arranging transactions when trading on their own account, who enters into transactions, including the placing of orders to trade, in one or more wholesale energy markets;”;

Or. en

*Justification*

*Executing is a term from the financial regulation which in the case of REMIT would make all MPs PPATs.*

**Amendment 177**

**Zdzisław Krasnodębski**

on behalf of the ECR Group

**Izabela-Helena Kloc, Elżbieta Kruk**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point h**

Regulation (EU) No 1227/2011

Article 2 – paragraph 8a

*Text proposed by the Commission*

(8a) ‘person professionally arranging **or executing** transactions’ means a person professionally engaged in the reception and transmission of orders for, **or in the execution of transactions in**, wholesale energy products;”;

*Amendment*

(8a) ‘person professionally arranging transactions’ means a person professionally engaged in the reception and transmission of orders for wholesale energy products;”;

Or. en

**Amendment 178**

**András Gyürk, Ernő Schaller-Baross**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point h**

Regulation (EU) No 1227/2011

Article 2 – paragraph 8a

*Text proposed by the Commission*

(8a) 'person professionally arranging **or executing** transactions' means a person professionally engaged in the reception and transmission of orders for, or in the execution of transactions in, wholesale energy products;";

*Amendment*

(8a) 'person professionally arranging transactions' means a person professionally engaged in the reception and transmission of orders for, or in the execution of transactions in, wholesale energy products;";

Or. en

**Amendment 179**

**Zdzisław Krasnodębski**

on behalf of the ECR Group

**Isabela-Helena Kloc, Elżbieta Kruk**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point j**

Regulation (EU) No 1227/2011

Article 2 – paragraph 16

*Text proposed by the Commission*

(16) 'registered reporting mechanism' or 'RRM' means a person registered under this Regulation to provide the service of reporting details of transactions, including orders to trade, and fundamental data to the Agency on behalf of market participants;

*Amendment*

(16) 'registered reporting mechanism' or 'RRM' means a person registered under this Regulation **to report or** to provide the service of reporting details of transactions, including orders to trade, and fundamental data to the Agency on **its own behalf or on** behalf of market participants;

Or. en

*Justification*

*RRMs might differ from each other. Some of them report their own data.*

**Amendment 180**

**Massimiliano Salini**



**Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point j**

Regulation (EU) No 1227/2011

Article 2 – paragraph 1 – point 16

*Text proposed by the Commission*

(16) ‘registered reporting mechanism’ or ‘RRM’ means a person registered under this Regulation to provide the service of reporting details of transactions, including orders to trade, and fundamental data to the Agency *on behalf of market participants*;

*Amendment*

(16) ‘registered reporting mechanism’ or ‘RRM’ means a person registered under this Regulation to provide the service of reporting details of transactions, including orders to trade, and fundamental data to the Agency;

Or. en

**Amendment 181**

**Marina Mesure**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point j**

Regulation (EU) No 1227/2011

Article 1

*Text proposed by the Commission*

(17) ‘inside information platform’ or ‘IIP’ means a person registered under this Regulation to provide the service of operating a platform for the disclosure of inside information and for the reporting of disclosed inside information to the Agency on behalf of market participants.

*Amendment*

*(Does not affect the English version.)*

Or. fr

*Justification*

**Amendment 182**

**Massimiliano Salini**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point j**

Regulation (EU) No 1227/2011

Article 2 – paragraph 1 – point 17

*Text proposed by the Commission*

(17) ‘inside information platform’ or ‘IIP’ means a person registered under this Regulation to provide the service of operating a platform for the disclosure of inside information and for the reporting of disclosed inside information to the Agency ***on behalf of market participants.***

*Amendment*

(17) ‘inside information platform’ or ‘IIP’ means a person registered under this Regulation to provide the service of operating a platform for the disclosure of inside information and for the reporting of disclosed inside information to the Agency.

Or. en

*Justification*

*The obligation to publish and send data to ACER should be entirely the responsibility of the IIPs, since MPs have no control over them. The only thing for which MPs should be accountable is for sending their data to IIPs. Therefore, once MPs can show that information has been submitted to IIP for publication, they should be specifically discharged from any obligations.*

**Amendment 183**

**Niels Fuglsang, Erik Bergkvist**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point j**

Regulation (EU) No 1227/2011

Article 2 – paragraph 20

*Text proposed by the Commission*

(20) ‘organised market place’ (‘OMP’) means an energy exchange, an energy broker, an energy capacity platform ***or any other person professionally arranging or executing transactions,*** including shared order book providers but excluding purely bilateral trading where two natural persons enter into each trade on their own account.

*Amendment*

(20) ‘organised market place’ (‘OMP’) means an energy exchange, an energy broker, an energy capacity platform, including shared order book providers but excluding purely bilateral trading where two natural persons enter into each trade on their own account.

Or. en

*Justification*

*The purpose is to split the responsibilities of PPATs and organised marketplaces. TSOs as PPATs are unable to monitor effectively cross border activities as they are often not present*

on both sides of a bidding zone border. As also introduced in article 15.

#### **Amendment 184**

**András Gyürk, Ernő Schaller-Baross**

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

**Article 1 – paragraph 1 – point 2 – point j**

Regulation (EU) No 1227/2011

Article 2 – point 20

*Text proposed by the Commission*

(20) ‘organised market place’ (‘OMP’) means an energy exchange, an energy broker, an energy capacity platform or any other person professionally arranging *or executing* transactions, including shared order book providers but excluding purely bilateral trading where two natural persons enter into each trade on their own account.

*Amendment*

(20) ‘organised market place’ (‘OMP’) means an energy exchange, an energy broker, an energy capacity platform or any other person professionally arranging transactions, including shared order book providers but excluding purely bilateral trading where two natural persons enter into each trade on their own account.

Or. en

#### **Amendment 185**

**Jakop G. Dalunde**

on behalf of the Verts/ALE Group

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

**Article 1 – paragraph 1 – point 2 – point j**

Regulation (EU) No 1227/2011

Article 2 – paragraph 1 – point 20a (new)

*Text proposed by the Commission*

*Amendment*

***(20a) ‘order book’ means all details of wholesale energy products executed at organised market places including matched and unmatched orders as well as system-generated orders and life cycle events.***

Or. en

## **Amendment 186**

**Jakop G. Dalunde**

on behalf of the Verts/ALE Group

### **Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point j**

Regulation (EU) No 1227/2011

Article 2 – paragraph 1 – point 20b (new)

*Text proposed by the Commission*

*Amendment*

***(20b) “over the counter (OTC) wholesale energy contract” means a wholesale energy contract the execution of which takes place bilaterally between market participants or via a broker and not on an energy exchange.***

Or. en

### *Justification*

*In order to have more clarity in the text, there is a need to introduce a definition of ‘over the counter wholesale energy contract’. According to the European Court of Auditors special report, over the counter trades (OTC) accounted for 68 % of the electricity volumes traded in 2019 and 74 % of those traded in 2020. The majority of wholesale electricity is therefore traded on the least transparent markets and is therefore more prone to manipulation. It is important to lay down the conditions for improving the transparency of OTC wholesale energy trade.*

## **Amendment 187**

**Massimiliano Salini**

### **Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point j**

Regulation (EU) No 1227/2011

Article 2 – paragraph 1 – point 22 – Regulation (EU) No. 1227/2011

*Text proposed by the Commission*

*Amendment*

***(22) ‘LNG market data’ means records of bids, offers or transactions for LNG trading with corresponding information as specified in the Commission Implementing Regulation (EU) No 1348/2014.***

***(22) ‘LNG market data’ means records of bids, offers or transactions for LNG trading.***

*Justification*

*The current proposal does not appear to be suitable for the intended purpose in terms of implementation because it does not achieve integration between the two data reporting obligations resulting from REMIT 1.0 and the new provisions, maintaining segregation. It would be inefficient to refer to additional information, such as that in the Commission Implementing Regulation (EU) No 1348/2014.*

**Amendment 188**  
**Massimiliano Salini**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 2 – point j**  
Regulation (EU) No 1227/2011  
Article 2 – paragraph 1 – point 24

*Text proposed by the Commission*

*Amendment*

*(24) 'LNG price assessment' means the determination of a daily reference price for LNG trading in accordance with a methodology to be established by ACER.*      *deleted*

**Amendment 189**  
**Claudia Gamon, Morten Petersen, Klemen Grošelj**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 2 a (new)**  
Regulation (EU) No 1227/2011  
Article 3 – paragraph (-1)

*Text proposed by the Commission*

*Amendment*

*(2a) in Article 3, before Paragraph (1) the following paragraph (-1) is inserted:*  
*“(-1) Member States shall take the necessary measures to ensure that insider trading as referred to in Paragraphs 1 to 4 of this article constitutes a criminal offence at least in serious cases and when committed intentionally.”*

*Justification*

*Amendment necessary for pressing reasons relating to the internal logic of the text. Member States should be able to provide for criminal sanctions for serious cases of breaches of rules on market abuse.*

**Amendment 190**

**Patrizia Toia, Robert Hajšel, Niels Fuglsang, Carlos Zorrinho**

**Proposal for a regulation****Article 1 – paragraph 1 – point 3**

Regulation (EU) No 1227/2011

Article 3, paragraph 1, subparagraph 1a (new)

*Text proposed by the Commission*

The use of inside information by cancelling or amending *an* order concerning a wholesale energy product to which the information relates, where the order was placed before the person concerned possessed the inside information, shall also be considered to be insider trading.;

*Amendment*

The use of inside information by cancelling *of orders* or amending *or modifying an existing* order, *the establishment of links or dependencies between orders, or any other action relating to entering into transactions or issuing orders* concerning a wholesale energy product to which the information relates, where the order was placed before the person concerned possessed the inside information, shall also be considered to be insider trading.;

*Justification*

*The amendment aims at encompassing all types of actions that are either related to orders and transactions or are part of the processes of issuing orders or entering into transactions in one or more wholesale energy markets.*

**Amendment 191**

**Claudia Gamon, Morten Petersen, Klemen Grošelj**

**Proposal for a regulation****Article 1 – paragraph 1 – point 4 – introductory part**

Regulation (EU) No 1227/2011

Article 4 – paragraph (–1)

*Text proposed by the Commission*

(4) Article 4 is amended as follows:

*Amendment*

(4) Article 4 is amended as follows:

***(-a) in Article 4, before paragraph 1 the following paragraph (-1) is inserted:***

***"(-1) Member States shall take the necessary measures to ensure that failure to disclose inside information as referred to in paragraphs 1 to 7 constitutes a criminal offence at least in serious cases and when committed intentionally."***

Or. en

*Justification*

*Amendment necessary for pressing reasons relating to the internal logic of the text. Member States should be able to provide for criminal sanctions for serious cases of breaches of rules on market abuse.*

**Amendment 192**

**Massimiliano Salini**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 4 – point a**

Regulation (EU) No 1227/2011

Article 4 – Regulation (EU) No. 1227/2011

*Text proposed by the Commission*

Market participants shall disclose the inside information through IIPs. The IIPs shall ensure that the inside information is made public in a manner which enables fast access, including access through a clear application programming interface. and complete, correct and timely assessment of the information by the public.;

*Amendment*

Market participants shall disclose the inside information through IIPs. The IIPs shall ensure that the inside information is made public in a manner which enables fast access, including access through a clear application programming interface. and complete, correct and timely assessment of the information by the public. ***IIPs shall be solely responsible, and legally liable, for disclosing the received data and making it available to the Agency***

Or. en

*Justification*

*IIPs are the only entities that are legally obligated to disclose the information obtained from MPs to the public and making it available to the Agency.*

**Amendment 193**

**Jakop G. Dalunde**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 4 – point a**

Regulation (EU) No 1227/2011

Article 4 – paragraph 1 – sub-paragraph 2

*Text proposed by the Commission*

Market participants shall disclose the inside information through IIPs. The IIPs shall ensure that the inside information is made public in a manner which enables fast access, including access through a clear application programming interface, and complete, correct and timely assessment of the information by the public.;

*Amendment*

Market participants shall disclose the inside information through IIPs. The IIPs shall ensure that the inside information is made public ***without undue delay*** in a manner which enables ***easy, free of charge and*** fast access, including access through a clear application programming interface and complete, correct and timely assessment of the information by the public.;

Or. en

*Justification*

*The IIP cost should be covered by the market participants using their services for disclosure of inside information, not by the users of information*

**Amendment 194**

**Zdzisław Krasnodębski**

on behalf of the ECR Group

**Izabela-Helena Kloc, Elżbieta Kruk**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 4 – point a**

Regulation (EU) No 1227/2011

Article 4 – paragraph 1 – subparagraph 3

*Text proposed by the Commission*

*Amendment*



***Market participants shall disclose the inside information according to thresholds included in Regulation (EC) No 714/2009 or (EC) No 715/2009, or guidelines and network codes adopted pursuant to those Regulations. National regulatory authorities could set lower thresholds if it is justified by size of the national market in a given Member State***

Or. en

*Justification*

*Obligation to publish inside information should be applicable only to bigger participants, such as those meeting the threshold of 100MW. Member States however, could be entitled to lower this threshold, if it is justified by the size and specify of its national energy market.*

**Amendment 195**

**Zdzisław Krasnodębski**

on behalf of the ECR Group

**Isabela-Helena Kloc, Elżbieta Kruk**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 5**

Regulation (EU) No 1227/2011

Article 4a – paragraph 1

*Text proposed by the Commission*

1. IIPs shall register with the Agency. An IIP shall only operate after the Agency has assessed whether that IIP complies with the requirements of this Article and has authorised the operation. The register of **IIPs** shall be publicly available and shall contain information on the services for which the IIP is registered. The Agency shall regularly review the compliance of IIPs with this Regulation. Where the Agency has withdrawn a registration in accordance with paragraph 5, that withdrawal shall be published in the register for a period of five years from the date of withdrawal.

*Amendment*

1. IIPs shall register with the Agency. An IIP shall only operate after the Agency has assessed whether that IIP complies with the requirements of this Article and has authorised the operation. The register of **IIPs** shall be publicly available and shall contain information on the services for which the IIP is registered. The Agency shall regularly review the compliance of IIPs with this Regulation. Where the Agency has withdrawn a registration in accordance with paragraph 5, that withdrawal shall be published in the register for a period of five years from the date of withdrawal ***or until the date when IIP re-registers with the Agency after rectifying the reasons of its withdrawal.***

**Amendment 196**

**Zdzisław Krasnodębski**

on behalf of the ECR Group

**Izabela-Helena Kloc, Elżbieta Kruk**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 5**

Regulation (EU) No 1227/2011

Article 4a – paragraph 1a

*Text proposed by the Commission*

*Amendment*

**1a. IIPs that have been authorised as Registered Information Services in accordance with Article 11 of the REMIT Implementing Acts and included in ACER list of IIPs at the date of entry into force of this Regulation shall be treated as compliant and registered as IIPs**

**Amendment 197**

**Patrizia Toia, Robert Hajšel, Niels Fuglsang, Carlos Zorrinho**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 5**

Regulation (EU) No 1227/2011

Article 4a (new), paragraph 2

*Text proposed by the Commission*

*Amendment*

2. An IIP shall have adequate policies and arrangements in place to make public the inside information required under Article 4(1) as close to real time as is technically possible, on a reasonable commercial basis. The information shall be made available for all purposes free of charge. The IIP shall efficiently and consistently disseminate such information in a way that ensures fast access to the inside information, on a non-discriminatory

2. An IIP shall have adequate policies and arrangements in place to make public the inside information required under Article 4(1) as close to real time as is technically possible, on a reasonable commercial basis. The information shall be made available for all purposes free of charge, **including access through a clear application programming interface**. The IIP shall efficiently and consistently disseminate such information in a way that

basis and in a format that facilitates the consolidation of the inside information with similar data from other sources.

ensures fast access to the inside information, on a non-discriminatory basis and in a format that facilitates the consolidation of the inside information with similar data from other sources.

Or. en

### *Justification*

*Current experience shows the wide interpretation by IIP of notion 'free of charge'. This limits the efficient dissemination of the information for market participants as well as for NRAs for effective market monitoring. As far as it is expected that IIP pays ACER fees (amendment introduced in Article 32 of ACER Regulation 2019/942), situations similar to the one described may result in practice that the NRA that would like to pilot inside information publication close to real time by direct data collection from IIP will pay ACER fees which are not proportionate.*

### **Amendment 198**

**Zdzisław Krasnodębski**

on behalf of the ECR Group

**Izabela-Helena Kloc, Elżbieta Kruk**

### **Proposal for a regulation**

**Article 1 – paragraph 1 – point 5**

Regulation (EU) No 1227/2011

Article 4a – paragraph 2

#### *Text proposed by the Commission*

2. An IIP shall have adequate policies and arrangements in place to make public the inside information required under Article 4(1) as close to real time as is technically possible, on a reasonable commercial basis. The information shall be made available for all purposes free of charge. The IIP shall efficiently and consistently disseminate such information in a way that ensures fast access to the inside information, on a non-discriminatory basis and in a format that facilitates the consolidation of the inside information with similar data from other *sources*.

#### *Amendment*

2. An IIP shall have adequate policies and arrangements in place to make public the inside information required under Article 4(1) as close to real time as is technically possible, on a reasonable commercial basis. The information shall be made available for all purposes free of charge. The IIP shall efficiently and consistently disseminate such information in a way that ensures fast access to the inside information, on a non-discriminatory basis and in a format that facilitates the consolidation of the inside information with similar data from other *IIPs*.

Or. en

**Amendment 199**

**Zdzisław Krasnodębski**

on behalf of the ECR Group

**Izabela-Helena Kloc, Elżbieta Kruk**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 5**

Regulation (EU) No 1227/2011

Article 4a – paragraph 3

*Text proposed by the Commission*

*Amendment*

**3. *The inside information made public by an IIP in accordance with paragraph 2 shall include, at least, the following details depending on the type of inside information:*** **deleted**

***(a) the message ID and event status;***

***(b) the publication date, the time and the start and stop of the event;***

***(c) the market participant name and the market participant identification;***

***(d) the bidding or balancing zone concerned;***

***(e) and, where applicable:***

***(a) the type of unavailability and the type of event;***

***(b) the unit of measurement;***

***(c) the unavailable, the available and the installed or technical capacity;***

***(d) the reason for the unavailability;***

***(e) the fuel type;***

***(f) the affected asset or unit and its identification code.***

Or. en

*Justification*

*The details of the information made public by IIPs should be provided in the implementing act.*

**Amendment 200**

**Patrizia Toia, Robert Hajšel, Niels Fuglsang, Carlos Zorrinho**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 5**

Regulation (EU) No 1227/2011

Article 4a (new), paragraph 3, letter (d a) new

*Text proposed by the Commission*

*Amendment*

***(da) the type of information (e.g. unavailability, forecast, actual use);***

Or. en

**Amendment 201**

**Marina Mesure**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 5**

Regulation (EU) No 1227/2011

Article 4 a

*Text proposed by the Commission*

*Amendment*

***3a. 4. Within 12 months of the date of entry into force of the revised Regulation, the list set out in paragraph 3 shall be supplemented by a delegated act on the basis of an opinion from the Agency.***

Or. fr

*Justification*

*Because there is no Commission impact assessment for this reform, it should be made possible to extend the list of information to be provided on the basis of feedback from the Agency.*

**Amendment 202**

**Zdzisław Krasnodębski**

on behalf of the ECR Group

**Izabela-Helena Kloc, Elżbieta Kruk**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 5**

Regulation (EU) No 1227/2011

Article 4a – paragraph 4 – subparagraph 2

*Text proposed by the Commission*

An IIP shall have sound security mechanisms in place designed to guarantee the security of the means of transfer of inside information, minimise the risk of data corruption and unauthorised access and to prevent inside information leakage before publication. The IIP shall maintain adequate resources and have back-up facilities in place in order to offer and maintain its services at ***all times***.

*Amendment*

An IIP shall have sound security mechanisms in place designed to guarantee the security of the means of transfer of inside information, minimise the risk of data corruption and unauthorised access and to prevent inside information leakage before publication. The IIP shall maintain adequate resources and have back-up facilities in place in order to offer and maintain its services at ***continuously, except during limited periods of required technical maintenance***

Or. en

**Amendment 203**

**Zdzisław Krasnodębski**

on behalf of the ECR Group

**Izabela-Helena Kloc, Elżbieta Kruk**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 5**

Regulation (EU) No 1227/2011

Article 4a – paragraph 4 – subparagraph 3

*Text proposed by the Commission*

The IIP shall have ***systems*** in place that can quickly and effectively check inside information reports for completeness, identify omissions and obvious errors, and request ***re-transmission*** of any such erroneous reports.

*Amendment*

The IIP shall have ***mechanisms*** in place that can quickly and effectively check inside information reports for completeness, identify omissions and obvious errors, and request ***correction*** of any such erroneous reports.

Or. en

**Amendment 204**

**Jakop G. Dalunde**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 5**

Regulation (EU) No 1227/2011

Article 4a – paragraph – 4a (new)

*Text proposed by the Commission*

*Amendment*

***4a. Where ACER finds that an IIP has committed an infringement of requirements provided for in paragraphs 1 to 3 of this article, it shall take one or more of the following actions: (a) adopt a decision requiring the person to bring the infringement to an end; (b) adopt a decision imposing fines with a maximum amount of EUR 200 000 or the corresponding value in the national currency in the Member States whose currency is not the euro; (c) issue public notices.***

Or. en

*Justification*

*Having regard to the ESMA's supervisory powers where ESMA can issue fines and public notices to trade repositories and data service providers, ACER's supervisory powers over IIPs should also be similarly increased.*

**Amendment 205**

**Claudia Gamon, Morten Petersen, Klemen Grošelj**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 5**

Regulation (EU) No 1227/2011

Article 4a – paragraph 4a (new)

*Text proposed by the Commission*

*Amendment*

***4a. In Article 4a, the following paragraph 4a is added after paragraph 4:  
Where the Agency finds that an IIP has committed one of the infringements of requirements provided for in paragraphs 1 to 4 of this article, it shall take one or***

*more of the following actions:*

*(a) adopt a decision requiring the person to bring the infringement to an end;*

*(b) adopt a decision imposing fines with a maximum amount of EUR 200 000 or, in the Member States whose currency is not the euro, the corresponding value in the national currency;*

*(c) issue public notices.*

Or. en

*Justification*

*Amendment necessary for pressing reasons relating to the internal logic of the text. ACER's supervisory powers over IIPs should be extended to the possibility to issue fines and public notices. Withdrawal of the authorisation should only be the last resort.*

**Amendment 206**

**Marina Mesure**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 5**

Regulation (EU) No 1227/2011

Article 4 a

*Text proposed by the Commission*

*Amendment*

(d) has seriously ***and systematically*** infringed this Regulation.

(d) has seriously infringed this Regulation.

Or. fr

*Justification*

*To improve transparency and reliability of information, reference to systematic infringement should be deleted.*

**Amendment 207**

**Zdzisław Krasnodębski**

on behalf of the ECR Group

**Izabela-Helena Kloc, Elżbieta Kruk**

**Proposal for a regulation**



**Article 1 – paragraph 1 – point 5**  
Regulation (EU) No 1227/2011  
Article 4a – paragraph 5 – subparagraph 1a

*Text proposed by the Commission*

*Amendment*

***If the Agency concludes that any of the conditions referred to above occurred, it shall have the power to issue decisions requiring the IIP to implement appropriate remedies within a specified time limit. If the IIP does not comply with the decision by the end of the set time limit, the registration is withdrawn.***

***In case of such a decision, the Agency shall also indicate the right to appeal the decision before the Agency’s Board of Appeal and to have the decision reviewed by the Court of Justice in accordance with Articles 28 and 29 of Regulation (EU) 2019/942. The Agency may also lay down obligations to enable compliance with the decision to be monitored.***

Or. en

*Justification*

*The IIP operator must be informed about a procedure of withdrawal of the IIP registration. ACER should provide to IIP a possibility to explain the reason of incompliance and/or to resolve the issues timely before eventual withdrawal of authorization.*

#### **Amendment 208**

**Zdzisław Krasnodebski**

on behalf of the ECR Group

**Izabela-Helena Kloc, Elżbieta Kruk**

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

**Article 1 – paragraph 1 – point 5**

Regulation (EU) No 1227/2011

Article 4a – paragraph 5 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

When the registration has been withdrawn, the IIP concerned shall ensure orderly substitution including the transfer of data

When the registration has been withdrawn, the IIP concerned shall ***inform all market participants associated with it about the***

to other IIPs and the redirection of reporting flows to other IIPs.

***Agency's decision in order to allow them the possibility to make needed arrangements with other IIPs to ensure orderly substitution including the transfer of data to other IIPs and the redirection of reporting flows to other IIPs.***

Or. en

## **Amendment 209**

**Claudia Gamon, Morten Petersen, Klemen Grošelj**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 5**

Regulation (EU) No 1227/2011

Article 4a – paragraph 6

#### *Text proposed by the Commission*

The Commission shall, by means of ***implementing*** acts, specify:

#### *Amendment*

The Commission shall, by means of ***delegated*** acts, specify ***by 1 April 2024***:

Or. en

#### *Justification*

*Amendment necessary for pressing reasons relating to the internal logic of the text*

## **Amendment 210**

**Jakop G. Dalunde**

on behalf of the Verts/ALE Group

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 5**

Regulation (EU) No 1227/2011

Article 4a – paragraph 6 – sub-paragraph 1

#### *Text proposed by the Commission*

The Commission shall, by means of ***implementing*** acts, specify:

#### *Amendment*

The Commission shall, by means of ***delegated*** acts, specify:

Or. en

**Amendment 211**  
**Marina Mesure**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 5**  
Regulation (EU) No 1227/2011  
Article 4 a

*Text proposed by the Commission*

The Commission shall, by means of **implementing** acts, specify :

*Amendment*

The Commission shall, by means of **delegated** acts, specify :

Or. fr

*Justification*

*Parliament should be able to comment on the definition of the obligations that follow, in particular point (a) on the absence of a conflict of interest between the IIP and its clients, which is a political aspect that goes beyond specific technical characteristics.*

**Amendment 212**  
**Claudia Gamon, Morten Petersen, Klemen Grošelj**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 5**  
Regulation (EU) No 1227/2011  
Article 4a – paragraph 6, point (c)

*Text proposed by the Commission*

(c) the concrete organisational requirements for the implementation of paragraph 4.

*Amendment*

(c) the concrete organisational requirements for the implementation of paragraph 4, **and**

Or. en

*Justification*

*Amendment necessary for pressing reasons relating to the internal logic of the text*

**Amendment 213**  
**Claudia Gamon, Morten Petersen, Klemen Grošelj**

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

Regulation (EU) No 1227/2011  
Article 4a – paragraph 6, point (c a)

*Text proposed by the Commission*

*Amendment*

***(ca) the rules of procedure for the exercise of the supervisory power to impose fines, including provisions on the rights of the defence, temporal provisions, and the collection of fines or periodic penalty payments, and the limitation periods for the imposition and enforcement of fines.”***

Or. en

*Justification*

*Amendment necessary for pressing reasons relating to the internal logic of the text. ACER’s supervisory powers over IIPs should be extended to the possibility to issue fines and public notices. Withdrawal of the authorisation should only be the last resort.*

#### **Amendment 214**

**Jakop G. Dalunde**

on behalf of the Verts/ALE Group

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

**Article 1 – paragraph 1 – point 5**

Regulation (EU) No 1227/2011

Article 4a – paragraph 6 – sub-paragraph 1 – point c a (new)

*Text proposed by the Commission*

*Amendment*

***(ca) the mechanisms to exercise the Agency’s supervisory power to impose fines, including provisions on the collection of fines or periodic penalty payments, the rights of the defence and temporal provisions for the imposition and enforcement of fines, and***

Or. en

#### **Amendment 215**

**Jakop G. Dalunde**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 5**

Regulation (EU) No 1227/2011

Article 4a – paragraph 6 – sub-paragraph 1 – point c b (new)

*Text proposed by the Commission*

*Amendment*

**(cb) a minimum threshold for applying the public disclosure obligation to wholesale energy market participants pursuant to Article 4(1).**

Or. en

*Justification*

*Many small market participants struggle with the application of the obligation to disclose inside information. Therefore, the Commission should set a minimum threshold for the disclosure of inside information through a delegated act. A model to follow is Article 17(2) of the Market Abuse Regulation (EU) No 596/2014 for emission allowances where such thresholds are applied for the disclosure of inside information, on the basis of the Commission's delegated acts.*

**Amendment 216**

**Jakop G. Dalunde**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 5**

Regulation (EU) No 1227/2011

Article 4a – paragraph 6 – sub-paragraph 2

*Text proposed by the Commission*

*Amendment*

Those **implementing** acts shall be adopted in accordance with the examination procedure referred to in Article 21(2).;

Those **delegated** acts shall be adopted in accordance with the examination procedure referred to in Article 21(2) **by no later than 1 April 2024.**;

Or. en

**Amendment 217**

**Marina Mesure**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 5**  
Regulation (EU) No 1227/2011  
Article 4 a

*Text proposed by the Commission*

Those **implementing** acts shall be adopted in accordance with the examination procedure referred to in Article 21(2).”;

*Amendment*

Those **delegated** acts shall be adopted in accordance with the examination procedure referred to in Article 21(2).”;

Or. fr

**Amendment 218**  
**Claudia Gamon, Morten Petersen, Klemen Grošelj**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 5**  
Regulation (EU) No 1227/2011  
Article 4a – paragraph 6 a

*Text proposed by the Commission*

*Amendment*

**6a. The Agency shall develop by [one year after entry into force of this Regulation] and operate a platform serving as a sector-specific electronic access point for inside information disclosed in accordance with Article 4(1) of this Regulation.**

Or. en

*Justification*

*Amendment necessary for pressing reasons relating to the internal logic of the text. This addition will mandate ACER to set-up a publicly available platform for inside information strengthening transparency on the market.*

**Amendment 219**  
**Claudia Gamon, Morten Petersen, Klemen Grošelj**

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

Regulation (EU) No 1227/2011  
Article 5 – paragraph (-1)

*Text proposed by the Commission*

*Amendment*

**(5a) before the first paragraph of Article 5, the following paragraph (-1) is added:**

**(-1) Member States shall take the necessary measures to ensure that market manipulation as referred to in paragraph 1 constitutes a criminal offence at least in serious cases and when committed intentionally.**

Or. en

*Justification*

*Amendment necessary for pressing reasons relating to the internal logic of the text. Member States should be able to provide for criminal sanctions for serious cases of breaches of rules on market abuse..*

#### **Amendment 220**

**Zdzisław Krasnodębski**

on behalf of the ECR Group

**Izabela-Helena Kloc, Elżbieta Kruk**

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

**Article 1 – paragraph 1 – point 6**

Regulation (EU) No 1227/2011

Article 5a – paragraph 4

*Text proposed by the Commission*

*Amendment*

4. This article is without prejudice to obligations under Directive (EU) 2014/65.”;

4. This article **does not apply to transmission system operators and** is without prejudice to obligations under Directive (EU) 2014/65.”;

Or. en

*Justification*

*Obligations on TSOs regarding algorithmic trading are already covered by relevant legislation.*

## **Amendment 221**

**András Gyürk, Ernő Schaller-Baross**

### **Proposal for a regulation**

**Article 1 – paragraph 1 – point 6**

Regulation (EU) No 1227/2011

Article 5a – paragraph 4a

*Text proposed by the Commission*

*Amendment*

**4a. This article does not apply to transmission system operators.**

Or. en

*Justification*

*TSOs use automation of their processes (e.g. activation of balancing energy) to fulfil their obligations. It is impractical and inefficient to place obligations on TSOs regarding algorithmic trading as these areas are controlled under other legislation (e.g. Regulation 2017/2195).*

## **Amendment 222**

**Claudia Gamon, Morten Petersen**

### **Proposal for a regulation**

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

Regulation (EU) No 1227/2011

Article 6a (new)

*Text proposed by the Commission*

*Amendment*

**(6a) New Article 6a is added:**

**"Article 6a**

***Criminal penalties for natural persons***

***1. Member States shall take the necessary measures to ensure that the offences referred to in Articles 3 to 5 are punishable by effective, proportionate and dissuasive criminal penalties in serious cases and when committed intentionally.***

***2. Member States shall take the necessary measures to ensure that such offences referred to in Articles 3 and 5 are***



*punishable by a maximum term of imprisonment of at least four years.*

*3. Member States shall take the necessary measures to ensure that such offences referred to in Article 4 is punishable by a maximum term of imprisonment of at least two years.*

Or. en

*Justification*

*Amendment necessary for pressing reasons relating to the internal logic of the text. Member States should be able to provide for criminal sanctions for serious cases of breaches of rules on market abuse.*

**Amendment 223**

**Claudia Gamon, Morten Petersen, Klemen Grošelj**

**Proposal for a regulation**

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

Regulation (EU) No 1227/2011

Article 6b (new)

*Text proposed by the Commission*

*Amendment*

*(6b) New Article 6b is added:*

*Article 6b*

*Liability of legal persons*

*1. Member States shall take the necessary measures to ensure that legal persons can be held liable for offences referred to in Articles 6a (1) committed for their benefit by any person, acting either individually or as part of an organ of the legal person, and having a leading position within the legal person based on:*

*(a) a power of representation of the legal person;*

*(b) an authority to take decisions on behalf of the legal person; or*

*(c) an authority to exercise control within the legal person.*

**2. Member States shall also take the necessary measures to ensure that legal persons can be held liable where the lack of supervision or control, by a person referred to in paragraph 1, has made possible the commission of an offence referred to in Articles 3 to 5 for the benefit of the legal person by a person under its authority.**

**3. Liability of legal persons under paragraphs 1 and 2 shall not exclude criminal proceedings against natural persons who are involved as perpetrators, inciters or accessories in the offences referred to in Articles 3 to 5.**

Or. en

#### *Justification*

*Amendment necessary for pressing reasons relating to the internal logic of the text. Member States should be able to provide for criminal sanctions for serious cases of breaches of rules on market abuse.*

#### **Amendment 224**

**Patrizia Toia, Robert Hajšel, Niels Fuglsang, Carlos Zorrinho**

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

#### **Article 1 – paragraph 1 – point 7**

Regulation (EU) No 1227/2011

Article 7, paragraph 1

#### *Text proposed by the Commission*

1. ACER shall monitor trading activity in wholesale energy products to detect and prevent trading based on inside information and market manipulation or attempts thereof. It shall collect the data for assessing and monitoring wholesale energy markets as provided for in Article 8.;

#### *Amendment*

1. ACER shall monitor trading activity **and available transmission capacities** in wholesale energy products to detect and prevent trading based on inside information and market manipulation or attempts thereof. It shall collect the data for assessing and monitoring wholesale energy markets as provided for in Article 8.;

Or. en

## *Justification*

*The amendment aims at covering withholding available transmission capacity information as a form of market manipulation*

### **Amendment 225**

**Patrizia Toia, Robert Hajšel, Niels Fuglsang, Carlos Zorrinho**

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

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

Regulation (EU) No 1227/2011

Article 7, paragraph 3

#### *Present text*

The Agency shall at least on an annual basis submit a report to the Commission on ***its*** activities under this Regulation and make this report publicly available. In such reports the Agency shall assess the operation and transparency of different categories of market places and ways of trading and may make recommendations to the Commission as regards market rules, standards, and procedures which could improve market integrity and the functioning of the internal market. It may also evaluate whether any minimum requirements for organised markets could contribute to enhanced market transparency. Reports may be combined with the report referred to in Article 11(2) of Regulation (EC) No 713/2009.

#### *Amendment*

***(7 a) in Article 7, paragraph 3 is replaced by the following***

"The Agency, ***in cooperation with national regulatory authorities***, shall at least on an annual basis submit a report to the Commission on ***their*** activities under this Regulation, ***on its implementation and, in particular, on the application of Articles 3, 4, 5, 7, 13a, 13g, 13h and 18*** and make this report publicly available. In such reports the Agency shall assess, ***inter alia***, the operation and transparency of different categories of market places and ways of trading and may make recommendations to the Commission as regards market rules, standards, and procedures which could improve market integrity and the functioning of the internal market. It may also evaluate whether any minimum requirements for organised markets could contribute to enhanced market transparency. Reports may be combined with the report referred to in Article 11(2) of Regulation (EC) No 713/2009."

Or. en

*(Regulation (EU) No 1227/2011)*

**Amendment 226**  
**Massimiliano Salini**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 8**  
Regulation (EU) No 1227/2011  
Article 7a

*Text proposed by the Commission*

*Amendment*

***Tasks and powers of ACER to carry out price assessments and benchmarks***                      ***deleted***

Or. en

*Justification*

*Conducting price assessments and benchmarks related to the LNG market, as well as data collection and processing, are outside the scope of ACER's mandate and authority.*

**Amendment 227**  
**Massimiliano Salini**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 8**  
Regulation (EU) No 1227/2011  
Article 7a – paragraph 1

*Text proposed by the Commission*

*Amendment*

***1. As a matter of urgency, ACER shall produce and publish a daily LNG price assessment starting no later than 13 January 2023. For the purpose of the LNG price assessment, ACER shall systematically collect and process LNG market data on transactions. The price assessment shall where appropriate take into account regional differences and market conditions.***                      ***deleted***

Or. en

*Justification*

*Conducting price assessments and benchmarks related to the LNG market, as well as data collection and processing, are outside the scope of ACER's mandate and authority.*

**Amendment 228**  
**Massimiliano Salini**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 8**  
Regulation (EU) No 1227/2011  
Article 7c – paragraph 1

*Text proposed by the Commission*

1. LNG market participants shall submit ***daily*** to ACER the LNG market data in accordance with the specifications set out in the Commission Implementing Regulation (EU) No 1348/2014, ***in a standardised format, through a high-quality transmission protocol, and as close to real-time as technologically possible before the publication of the daily LNG price assessment (18:00 CET).***

*Amendment*

1. LNG market participants shall submit to ACER the LNG market data in accordance with the specifications set out in the Commission Implementing Regulation (EU) No 1348/2014.

Or. en

*Justification*

*Participants in the LNG market must submit LNG market data to ACER in accordance with the guidelines outlined in Commission Implementing Regulation (EU) No 1348/2014, without introducing additional requirements.*

**Amendment 229**  
**Massimiliano Salini**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 8**  
Regulation (EU) No 1227/2011  
Article 7c – paragraph 2

*Text proposed by the Commission*

2. ***The Commission may adopt implementing acts specifying the point in time by which LNG market data is to be submitted before the daily publication of the LNG price assessment as referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the***

*Amendment*

2. LNG market data ***are reported to the Agency consistently with the provision of Article 8.***

*examination procedure referred to in Article 29.*

Or. en

**Amendment 230**  
**Massimiliano Salini**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 8**  
Regulation (EU) No 1227/2011  
Article 7c – paragraph 3

*Text proposed by the Commission*

*Amendment*

3. *Where appropriate, ACER shall, after consulting the Commission, issue guidance on:*

3. *In order to allow LNG market data reporting, the following fields are added to Commission Implementing Regulation 1348/2014 Annex "DETAILS OF REPORTABLE CONTRACTS" for Table 1, Table 2, Table 3 and Table 4:*

Or. en

*Justification*

*As LNG activities are already covered by REMIT 1.0, it would be possible to effectively combine the two reporting requirements by simply adding three new fields to the existing REMIT requirements (commodity type, terms of delivery, vessel ID), avoiding the need to establish a separate and overlapping regime with the 13 fields listed in the Regulation and the approximately 40 fields currently required by ACER.*

**Amendment 231**  
**Massimiliano Salini**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 8**  
Regulation (EU) No 1227/2011  
Article 7c – paragraph 3a

*Text proposed by the Commission*

*Amendment*

(a) *the details of the information to be reported, in addition to the current details of reportable transactions and*

(a) *commodity type LNG; and*

*fundamental data under Implementing Regulation (EU) No 1348/2014, including bids and offers; and*

Or. en

**Amendment 232**  
**Massimiliano Salini**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 8**  
Regulation (EU) No 1227/2011  
Article 7c – paragraph 3b

*Text proposed by the Commission*

*Amendment*

(b) *the procedure, standard and electronic format and the technical and organisational requirements for submitting data to be used for the provision of the required LNG market data.*

(b) *of delivery; and*

Or. en

**Amendment 233**  
**Massimiliano Salini**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 8**  
Regulation (EU) No 1227/2011  
Article 7c – paragraph 3

*Text proposed by the Commission*

*Amendment*

**3a.** *vessel ID.*

Or. en

**Amendment 234**  
**Massimiliano Salini**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 8**

Regulation (EU) No 1227/2011

Article 7c – paragraph 4

*Text proposed by the Commission*

4. LNG market participants shall submit the required LNG market data to ACER free of charge and through the reporting channels established by ACER, **where possible** using already existing and available procedures.

*Amendment*

4. LNG market participants shall submit the required LNG market data to ACER free of charge and through the reporting channels established by ACER **for REMIT and**, using already existing and available procedures.

Or. en

*Justification*

*Participants in the LNG market shall transmit the necessary LNG market data to ACER without charge, using the reporting channels set up by ACER for REMIT, and by following already established and utilized protocols.*

**Amendment 235**

**Claudia Gamon, Morten Petersen, Klemen Grošelj**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 8**

Regulation (EU) No 1227/2011

Article 7c – paragraph 4a

*Text proposed by the Commission*

*Amendment*

**4a. By [1 year following the entry into force of the Regulation], the Commission shall, after consulting the Agency, submit a report to the European Parliament and to the Council reviewing the LNG market participants' double-reporting of LNG market data for the purposes of the LNG price assessment and benchmark and market monitoring under Regulation (EU) No 1227/2011 (REMIT). Subject to the conclusions of that report, the Commission may adopt an implementing act in accordance with the examination procedure referred to in Article 21(1).**

Or. en



### *Justification*

*Amendment necessary for pressing reasons relating to the internal logic of the text. Review clause for the harmonisation of the reporting of LNG market data for the purpose of the LNG price assessment and benchmark and for REMIT purposes*

#### **Amendment 236**

**Jakop G. Dalunde**

on behalf of the Verts/ALE Group

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

**Article 1 – paragraph 1 – point 8**

Regulation (EU) No 1227/2011

Article 7c – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

**4a. Where ACER finds that an LNG market participant has not submitted information required under paragraph 1 of this article, the Agency may adopt a decision to impose a fine.**

Or. en

### *Justification*

*It is important to clarify what happens if an LNG company does not respect the obligation to report their market data. If such case, ACER should have the power to issue a fine.*

#### **Amendment 237**

**Jakop G. Dalunde**

on behalf of the Verts/ALE Group

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

**Article 1 – paragraph 1 – point 8**

Regulation (EU) No 1227/2011

Article 7c – paragraph 4 b (new).

*Text proposed by the Commission*

*Amendment*

**4b. The Commission shall, by means of delegated act and no later than 1 March 2024, define the mechanism to exercise the Agency's supervisory power**

*to impose fines referred to in article 4a.*

Or. en

**Amendment 238**

**Patrizia Toia**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 9 – point -a (new)**

Regulation (EU) No 1227/2011

Article 8 – paragraph 1

*Present text*

Market participants, or a person or authority listed in points (b) to (f) of paragraph 4 on their behalf, shall provide the Agency with a record of wholesale energy market transactions, including orders to trade. The information reported shall include the precise identification of the wholesale energy products bought and sold, the price and quantity agreed, the dates and times of execution, the parties to the transaction and the beneficiaries of the transaction and any other relevant information. While overall responsibility lies with market participants, once the required information is received from a person or authority listed in points (b) to (f) of paragraph 4, the reporting obligation on the market participant in question shall be considered to be fulfilled.

*Amendment*

***(-a) Paragraph 1 is amended as follows:***

"Market participants, or a person or authority listed in points (b) to (f) of paragraph 4 on their behalf, shall provide the Agency with a record of wholesale energy market transactions, including orders to trade. The information reported shall include the precise identification of the wholesale energy products bought and sold, the price and quantity agreed, the dates and times of execution, the parties to the transaction and the beneficiaries of the transaction and any other relevant information. ***Periodically, market participants shall provide the total exposure by products and by party, including those transactions that occur over the counter.*** While overall responsibility lies with market participants, once the required information is received from a person or authority listed in points (b) to (f) of paragraph 4, the reporting obligation on the market participant in question shall be considered to be fulfilled."

Or. en

*(Regulation (EU) No 1227/2011)*

## **Amendment 239**

**András Gyürk, Ernő Schaller-Baross**

### **Proposal for a regulation**

**Article 1 – paragraph 1 – point 9 – point d – point i**

Regulation (EU) No 1227/2011

Article 8 – point d

*Text proposed by the Commission*

(d) an organised market place, a trade-matching system or other person professionally arranging **or executing** transactions;

*Amendment*

(d) an organised market place, a trade-matching system or other person professionally arranging transactions;

Or. en

## **Amendment 240**

**Niels Fuglsang**

### **Proposal for a regulation**

**Article 1 – paragraph 1 – point 9 a (new)**

Regulation (EU) No 1227/2011

Article 8 – paragraph 1b (new)

*Text proposed by the Commission*

*Amendment*

***(9a) All parties carrying out imbalance settlement shall make imbalance settlement information available for the Agency for all market participants to be used for market monitoring purposes.***

Or. en

### *Justification*

*In support of the addition in article 15 that is splitting up the responsibilities between PPATs and organized marketplaces, it is necessary to ensure that ACER get access to imbalance settlement information.*

## **Amendment 241**

**Zdzisław Krasnodębski**

on behalf of the ECR Group

**Izabela-Helena Kloc, Elżbieta Kruk**

## Proposal for a regulation

### Article 1 – paragraph 1 – point 10

Regulation (EU) No 1227/2011

Article 9 – paragraph 1

#### *Text proposed by the Commission*

1. Market participants entering into transactions which are required to be reported to ACER in accordance with Article 8(1) shall register with the national regulatory authority in the Member State in which they are established or resident. Market participants resident or established in a third country shall declare an office , in a Member State in which they are active and register with the national regulatory authority of that Member State.;

#### *Amendment*

1. Market participants entering into transactions which are required to be reported to ACER in accordance with Article 8(1) shall register with the national regulatory authority in the Member State in which they are established or resident. Market participants resident or established in a third country shall declare an office , in a Member State in which they are active and register with the national regulatory authority of that Member State. ***If a market participant residing or established in the third country is active in several Member States, it may choose in which Member State it will declare an office and with which regulatory authority it will register;***

Or. en

## Amendment 242

Claudia Gamon, Morten Petersen, Klemen Grošelj

## Proposal for a regulation

### Article 1 – paragraph 1 – point 10

Regulation (EU) No 1227/2011

Article 9 – paragraph 1

#### *Text proposed by the Commission*

1. Market participants entering into transactions which are required to be reported to ACER in accordance with Article 8(1) shall register with the national regulatory authority in the Member State in which they are established or resident. Market participants resident or established in a third country shall declare an office , ***in a Member State*** in which they are active and register with the national regulatory

#### *Amendment*

1. Market participants entering into transactions which are required to be reported to ACER in accordance with Article 8(1) shall register with the national regulatory authority in the Member State in which they are established or resident. Market participants resident or established in a third country shall declare an office ***that controls and executes trading activities related to European wholesale***

authority of that Member State.;

***energy markets in one of the Member States*** in which they are active, and register with the national regulatory authority of that Member State.”;

Or. en

#### *Justification*

*Amendment necessary for pressing reasons relating to the internal logic of the text. Clarification needed that market participants that are resident or established in a third country declare an office in a Member State where they carry out their principal activities. For enforcement purposes it is important that the actual trading is controlled and executed from that office within the EU. The possibility of imposing this requirement also arises from article 39 of MIFID II in regard to financial market regulation.*

#### **Amendment 243**

**Patrizia Toia, Robert Hajšel, Niels Fuglsang, Carlos Zorrinho**

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

#### **Article 1 – paragraph 1 – point 10**

Regulation (EU) No 1227/2011

Article 9, paragraph 1

#### *Text proposed by the Commission*

1. Market participants entering into transactions which are required to be reported to ACER in accordance with Article 8(1) shall register with the national regulatory authority in the Member State in which they are established or resident. Market participants resident or established in a third country shall declare an office, ***in a Member State*** in which they are active and register with the national regulatory authority of that Member State.;

#### *Amendment*

1. Market participants entering into transactions which are required to be reported to ACER in accordance with Article 8(1) shall register with the national regulatory authority in the Member State in which they are established or resident. Market participants resident or established in a third country shall declare an office ***that controls and executes trading activities related to European wholesale energy markets in one of the Member States*** in which they are active, and register with the national regulatory authority of that Member State.;

Or. en

#### *Justification*

*Companies from third countries shall declare an office in an EU member state. For enforcement purposes it is important that the actual trading is controlled and executed from*

*that office within the EU. The possibility of imposing this requirement also arises from article 39 of MIFID II in regard to financial market regulation.*

#### **Amendment 244**

**Jakop G. Dalunde**

on behalf of the Verts/ALE Group

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

**Article 1 – paragraph 1 – point 10**

Regulation (EU) No 1227/2011

Article 9 – paragraph 1 – sub-paragraph 1

*Text proposed by the Commission*

1. Market participants entering into transactions which are required to be reported to ACER in accordance with Article 8(1) shall register with the national regulatory authority in the Member State in which they are established or resident. Market participants resident *or established in a third country* shall declare an office, *in a* Member State in which they are active and register with the national regulatory authority of that Member State.;

*Amendment*

1. Market participants entering into transactions which are required to be reported to ACER in accordance with Article 8(1) shall register with the national regulatory authority in the Member State in which they are established or resident. Market participants resident shall declare an office *that controls and executes trading activities related to European wholesale energy markets in one of the* Member State in which they are active and register with the national regulatory authority of that Member State.:

Or. en

*Justification*

*Companies from third countries should declare an office in an EU member state. For enforcement purposes it is important that the actual trading is controlled and executed from that office within the EU.*

#### **Amendment 245**

**Patrizia Toia, Robert Hajšel, Niels Fuglsang, Carlos Zorrinho**

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

**Article 1 – paragraph 1 – point 10 a (new)**

Regulation (EU) No 1227/2011

Article 9 – paragraph 3

*Present text*

*Amendment*

***(10 a) In Article 9, paragraph 3 is replaced by the following:***

National regulatory authorities shall transmit the information in their national registers to the Agency in a format determined by the Agency. The Agency shall, in cooperation with those authorities, determine that format and shall publish it by 29 June 2012. Based on the information provided by national regulatory authorities, the Agency shall establish a European register of market participants. National regulatory authorities and other relevant authorities shall have access to the European register. Subject to Article 17, the Agency *may decide to* make the European register, or extracts thereof, publicly available provided that commercially sensitive information on individual market participants is not disclosed.

"National regulatory authorities shall transmit the information in their national registers to the Agency in a format determined by the Agency. The Agency shall, in cooperation with those authorities, determine that format and shall publish it by 29 June 2012. Based on the information provided by national regulatory authorities, the Agency shall establish a European register of market participants. National regulatory authorities and other relevant authorities shall have access to the European register. Subject to Article 17, the Agency *shall* make the European register, or extracts thereof, publicly available provided that commercially sensitive information on individual market participants is not disclosed."

Or. en

*(Regulation (EU) No 1227/2011)*

#### **Amendment 246**

**Zdzisław Krasnodebski**

on behalf of the ECR Group

**Izabela-Helena Kloc, Elżbieta Kruk**

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

**Article 1 – paragraph 1 – point 11**

Regulation (EU) No 1227/2011

Article 9a – paragraph 1 – subparagraph 2a

*Text proposed by the Commission*

*Amendment*

***RRMs that have been authorised in accordance with the existing rules laid down in Art. 11 of REMIT Implementing Act 1348/2014 shall be considered as compliant and authorised in accordance with this article.***

Or. en

## **Amendment 247**

**Zdzisław Krasnodębski**

on behalf of the ECR Group

**Izabela-Helena Kloc, Elżbieta Kruk**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 11**

Regulation (EU) No 1227/2011

Article 9a – paragraph 1 – subparagraph 5

#### *Text proposed by the Commission*

The Agency shall establish a register of all RRM in the Union. The register shall be publicly available and shall contain information on the services for which the RRM is authorised and it shall be updated on a regular basis. Where the Agency has withdrawn an authorisation of an RRM in accordance with paragraph 4, that withdrawal shall be published in the register for a period of five years from the date of withdrawal.

#### *Amendment*

The Agency shall establish a register of all RRM in the Union. The register shall be publicly available and shall contain information on the services for which the RRM is authorised and it shall be updated on a regular basis. Where the Agency has withdrawn an authorisation of an RRM in accordance with paragraph 4, that withdrawal shall be published in the register for a period of five years from the date of withdrawal ***or until the date when RRM re-register with the Agency after rectifying the reasons of its withdrawal.***

Or. en

## **Amendment 248**

**Zdzisław Krasnodębski**

on behalf of the ECR Group

**Izabela-Helena Kloc, Elżbieta Kruk**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 11**

Regulation (EU) No 1227/2011

Article 9a – paragraph 3 – subparagraph 2

#### *Text proposed by the Commission*

RRM shall operate and maintain effective administrative arrangements designed to prevent conflicts of interest with its clients. In particular, an RRM that is also an OMP or market participant shall treat all

#### *Amendment*

RRM shall operate and maintain effective administrative arrangements designed to prevent conflicts of interest with its clients. In particular, an RRM that is also an OMP or market participant shall treat all



information collected in a non-discriminatory way and shall operate and maintain appropriate arrangements to separate different business functions.

information collected **REMIT reporting** in a non-discriminatory way and shall operate and maintain appropriate arrangements to separate different business functions.

Or. en

#### **Amendment 249**

**Zdzisław Krasnodębski**

on behalf of the ECR Group

**IZabela-Helena Kloc, Elżbieta Kruk**

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

**Article 1 – paragraph 1 – point 11**

Regulation (EU) No 1227/2011

Article 9a – paragraph 3 – subparagraph 5

*Text proposed by the Commission*

RRMs shall have **systems** in place that can effectively check transaction reports for completeness, identify omissions and obvious errors caused by the market participant, and where such error or omission occurs, to communicate details of the error or omission to the market participant and request **re-transmission** of any such erroneous reports.

*Amendment*

RRMs shall have **mechanisms** in place that can effectively check transaction reports for completeness, identify omissions and obvious errors caused by the market participant, and where such error or omission occurs, to communicate details of the error or omission to the market participant and request **correction** of any such erroneous reports.

Or. en

#### **Amendment 250**

**Claudia Gamon, Morten Petersen, Klemen Grošelj**

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

**Article 1 – paragraph 1 – point 11**

Regulation (EU) No 1227/2011

Article 9a – paragraph 3a

*Text proposed by the Commission*

*Amendment*

**3a. Where the Agency finds that an RRM has committed one of the infringements of requirements provided for in paragraphs 1 to 3 of this Article, it**

*shall take one or more of the following actions:*

*(a) adopt a decision requiring the person to bring the infringement to an end;*

*(b) adopt a decision imposing fines with a maximum amount of EUR 200 000 or, in the Member States whose currency is not the Euro, the corresponding value in the national currency;*

*(c) issue public notices.*

Or. en

#### *Justification*

*Amendment necessary for pressing reasons relating to the internal logic of the text. ACER's supervisory powers over RRMs should be extended to the possibility to issue fines and public notices. Withdrawal of the authorisation should only be the last resort.*

#### **Amendment 251**

**Jakop G. Dalunde**

on behalf of the Verts/ALE Group

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

**Article 1 – paragraph 1 – point 11**

Regulation (EU) No 1227/2011

Article 9 a – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

**3a.** *Where ACER finds that an RRM has committed one of the infringements of requirements provided for in paragraphs 1 to 3 of this Article, it shall take one or more of the following actions:(a) adopt a decision requiring the person to bring the infringement to an end; (b) adopt a decision imposing fines with a maximum amount of EUR 200 000 or the corresponding value in the national currency in the Member States whose currency is not the euro; (c) issue public notices.*

Or. en

## *Justification*

*Having regard to ESMA's powers under EMIR and MiFIR where ESMA can issue fines and public notices against trade repositories and data service providers, ACER's supervisory powers over RRMs should be similarly extended.*

### **Amendment 252**

**Zdzisław Krasnodębski**

on behalf of the ECR Group

**Izabela-Helena Kloc, Elżbieta Kruk**

### **Proposal for a regulation**

**Article 1 – paragraph 1 – point 11**

Regulation (EU) No 1227/2011

Article 9a – paragraph 4 – subparagraph 1a

*Text proposed by the Commission*

*Amendment*

*If the Agency concludes that any of the conditions, referred to above, occurred, it shall have the power to issue decisions requiring the RRM to implement appropriate remedies within a specified time limit. If the RRM does not comply with the decision by the end of the set time limit, the authorisation is withdrawn.*

*In such a decision, the Agency shall also indicate the right to appeal the decision before the Agency's Board of Appeal and to have the decision reviewed by the Court of Justice in accordance with Articles 28 and 29 of Regulation (EU) 2019/942. The Agency may also lay down obligations to enable compliance with the decision to be monitored.*

Or. en

### **Amendment 253**

**Zdzisław Krasnodębski**

on behalf of the ECR Group

**Izabela-Helena Kloc, Elżbieta Kruk**

### **Proposal for a regulation**

**Article 1 – paragraph 1 – point 11**

Regulation (EU) No 1227/2011  
Article 9a – paragraph 4 – subparagraph 2

*Text proposed by the Commission*

An RRM whose authorisation has been withdrawn shall ensure orderly substitution including the transfer of data to other RRM s and the redirection of reporting flows to other RRM s.

*Amendment*

An RRM whose authorisation has been withdrawn shall ***immediately inform all market participants associated with it about the Agency's decision in order to allow them the possibility to make needed arrangements with other RRM s*** to ensure orderly substitution including the transfer of data to other RRM s and the redirection of reporting flows to other RRM s.

Or. en

#### **Amendment 254**

**Claudia Gamon, Morten Petersen, Klemen Grošelj**

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

#### **Article 1 – paragraph 1 – point 11**

Regulation (EU) No 1227/2011

Article 9a – paragraph 5

*Text proposed by the Commission*

The Commission shall by means of ***implementing*** acts specify :

*Amendment*

The Commission shall by means of ***delegated*** acts specify ***by 1 April 2024***:

Or. en

*Justification*

*Amendment necessary for pressing reasons relating to the internal logic of the text*

#### **Amendment 255**

**Jakop G. Dalunde**

on behalf of the Verts/ALE Group

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

#### **Article 1 – paragraph 1 – point 11**

Regulation (EU) No 1227/2011

Article 9a – paragraph 5 – sub-paragraph 1

*Text proposed by the Commission*

*Amendment*

The Commission shall by means of **implementing** acts specify :

The Commission shall by means of **delegated** acts specify :

Or. en

**Amendment 256**

**Jakop G. Dalunde**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 11**

Regulation (EU) No 1227/2011

Article 9a – paragraph 5 – sub-paragraph 1 – point a

*Text proposed by the Commission*

*Amendment*

(a) the means by which an RRM shall comply with the information obligation referred to in paragraph 1; **and**

(a) the means by which an RRM shall comply with the information obligation referred to in paragraph 1;

Or. en

**Amendment 257**

**Claudia Gamon, Morten Petersen**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 11**

Regulation (EU) No 1227/2011

Article 9a – paragraph 5, point (a)

*Text proposed by the Commission*

*Amendment*

(a) the means by which an RRM shall comply with the information obligation referred to in paragraph 1; **and**

(a) the means by which an RRM shall comply with the information obligation referred to in paragraph 1;

Or. en

*Justification*

*Amendment necessary for pressing reasons relating to the internal logic of the text*

**Amendment 258**  
**Claudia Gamon, Morten Petersen**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 11**  
Regulation (EU) No 1227/2011  
Article 9a – paragraph 5, point (b)

*Text proposed by the Commission*

(b) the concrete organisational requirements for the implementation of paragraphs 2 and 3.

*Amendment*

(b) the concrete organisational requirements for the implementation of paragraphs 2 and 3; **and**

Or. en

*Justification*

*Amendment necessary for pressing reasons relating to the internal logic of the text*

**Amendment 259**  
**Claudia Gamon, Morten Petersen, Klemen Grošelj**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 11**  
Regulation (EU) No 1227/2011  
Article 9a – paragraph 5, point (b a)

*Text proposed by the Commission*

*Amendment*

***(ba) the rules of procedure for the exercise of the supervisory power to impose fines, including provisions on the rights of the defence, temporal provisions, and the collection of fines or periodic penalty payments, and the limitation periods for the imposition and enforcement of fines.***

Or. en

*Justification*

*Amendment necessary for pressing reasons relating to the internal logic of the text. ACER's supervisory powers over RRM's should be extended to the possibility to issue fines and public notices. Withdrawal of the authorisation should only be the last resort.*

**Amendment 260**

**Jakop G. Dalunde**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 11**

Regulation (EU) No 1227/2011

Article 9a – paragraph 5 – sub-paragraph 1 – point b a (new)

*Text proposed by the Commission*

*Amendment*

***(ba) the mechanism to exercise the supervisory power to impose fines, including provisions on the collection of fines or periodic penalty payments, the rights of the defence and temporal provisions for the imposition and enforcement of fines.***

Or. en

**Amendment 261**

**Jakop G. Dalunde**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 11**

Regulation (EU) No 1227/2011

Article 9a – paragraph 5 – sub-paragraph 2

*Text proposed by the Commission*

*Amendment*

Those ***implementing*** acts shall be adopted in accordance with the examination procedure referred to in Article 21(2).”;

Those ***delegated*** acts shall be adopted in accordance with the examination procedure referred to in Article 21(2) ***by no later than 1 April 2024.***”;

Or. en

**Amendment 262**

**Marina Mesure**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 12 – point b**

Regulation (EU) No 1227/2011

## Article 10

### *Text proposed by the Commission*

“(1a) National regulatory authorities shall establish mechanisms to share information they receive in accordance with Article 7(2) and Article 8 with the competent financial market authorities, the national competition authorities, the national tax authorities and EUROFISC and other relevant authorities at national level. Before establishing such mechanisms, the national regulatory authority shall consult with the Agency and with those parties.”;

### *Amendment*

“(1a) National regulatory authorities shall establish mechanisms to share information they receive in accordance with Article 7(2) and Article 8 with the competent financial market authorities, the national competition authorities, the national tax authorities and EUROFISC and other relevant authorities at national level. Before establishing such mechanisms, the national regulatory authority shall consult with the Agency and with those parties. ***Accordingly, combating tax fraud shall be an Agency priority.***”;

Or. fr

## **Amendment 263**

**Claudia Gamon, Morten Petersen, Mauri Pekkarinen**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 13 – point b**

Regulation (EU) No 1227/2011

Article 12 – paragraph 2

### *Text proposed by the Commission*

2. Subject to Article 17, ACER may decide to make publicly available parts of the information which it possesses, provided that commercially sensitive information on individual market participants or individual transactions or individual market places are not disclosed and cannot be inferred. ACER shall not be prevented from publishing information on organised market places, IIPs, RRMIs according to applicable data protection laws.”;

### *Amendment*

2. ***The Agency shall contribute to the establishment of a common Union energy data strategy. It shall develop and maintain a reference centre of information on EU wholesale energy market data. For the purpose of improving market transparency,*** subject to Article 17, ACER may decide to make publicly available parts of the information which it possesses, provided that commercially sensitive information on individual market participants or individual transactions or individual market places are not disclosed and cannot be inferred. ACER shall not be prevented from publishing information on organised market places, IIPs, RRMIs according to



applicable data protection laws.

*The Agency may make its commercially non-sensitive trade database available for scientific purposes, subject to confidentiality requirements.*

*Information shall be published or made available in the interest of improving transparency of wholesale energy markets and provided it is not likely to create any distortion in competition in those energy markets.*

*The Agency shall disseminate information in a fair manner according to transparent rules which it shall draw up and make publicly available.*

*The Agency may cooperate in areas of common interest with those supervisory authorities in countries which are not members of the Union and international organisations which can provide data, information and expertise, methodologies of data collection, analysis and assessment which are of mutual interest and which are necessary for the successful completion of the Agency's work.*

Or. en

#### *Justification*

*Amendment necessary for pressing reasons relating to the internal logic of the text.  
Reinstating Article, data should be available for research if commercially non-sensitive.*

#### **Amendment 264**

**Jakop G. Dalunde**

on behalf of the Verts/ALE Group

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

**Article 1 – paragraph 1 – point 13 – point b**

Regulation (EU) No 1227/2011

Article 12 – paragraph 2 – sub-paragraph 1

*Text proposed by the Commission*

*Amendment*

2. Subject to Article 17, ACER *may* decide to make publicly available *parts of the* information which it possesses, provided that commercially sensitive information on individual market participants or individual transactions or individual market places are not disclosed and cannot be inferred. ACER shall not be prevented from publishing information on organised market places, IIPs, RRM s according to applicable data protection laws.”;

2. Subject to Article 17, ACER *shall* decide to make publicly available information which it possesses *in an accessible format, including information regarding the trading of over the counter wholesale energy contracts, power purchase agreements and contracts for difference*, provided that commercially sensitive information on individual market participants or individual transactions or individual market places are not disclosed and cannot be inferred. ACER shall not be prevented from publishing information on organised market places, IIPs, RRM s according to applicable data protection laws.”;

Or. en

#### *Justification*

*Since the aim of this regulation is to increase transparency in the energy wholesale market, findings must be made public, allowing consumers, scientists and other interested parties to be informed about the state of energy markets.*

#### **Amendment 265**

**Zdzisław Krasnodębski**

on behalf of the ECR Group

**Izabela-Helena Kloc, Elżbieta Kruk**

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

**Article 1 – paragraph 1 – point 13 – point b**

Regulation (EU) No 1227/2011

Article 12 – paragraph 2 – subparagraph 1

#### *Text proposed by the Commission*

2. Subject to Article 17, ACER may decide to make publicly available parts of the information which it possesses, provided that commercially sensitive information on individual market participants or individual transactions or individual market places are not disclosed and cannot be inferred. ACER shall not be prevented from publishing information on organised market places, IIPs, RRM s

#### *Amendment*

2. Subject to Article 17, ACER may decide to make publicly available parts of the information which it possesses, provided that commercially sensitive information on individual market participants or individual transactions or individual market places are not disclosed and cannot be inferred. ACER shall not be prevented from publishing information on organised market places, IIPs, RRM s

according to applicable data protection laws.”;

according to applicable data protection laws, *excluding commercially sensitive elements.*”;

Or. en

**Amendment 266**  
**François-Xavier Bellamy**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 14**  
Regulation (EU) 1227/2011  
Article 13

*Text proposed by the Commission*

*Amendment*

[...]

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[...]

[...]

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Or. en

**Amendment 267**  
**Claudia Gamon, Morten Petersen**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 14 – point a**  
Regulation (EU) No 1227/2011  
Article 13 – paragraph 1

*Text proposed by the Commission*

*Amendment*

National regulatory authorities shall ensure that the prohibitions set out in Articles 3 and 5 and the obligations set out in Articles 4, 8, 9 and 15 are applied.

National regulatory authorities shall ensure that the prohibitions set out in Articles 3 and 5 and the obligations set out in Articles 4, **7c**, 8, 9 and 15 are applied.

Or. en

*Justification*

*Amendment necessary for pressing reasons relating to the internal logic of the text.  
Reporting of LNG market data for the purpose of the LNG price assessment and benchmark  
and for REMIT purposes*

**Amendment 268**

**Jakop G. Dalunde**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 14 – point a**

Regulation (EU) No 1227/2011

Article 13 – paragraph 1 – sub-paragraph 4 – point c a (new)

*Text proposed by the Commission*

*Amendment*

*(ca) by request of the Agency where its  
initial assessments have provided robust  
information to recommend exercising  
those powers*

Or. en

*Justification*

*National regulators should be able to fully benefit from the added value of a European  
Agency providing the European perspective and having the ability to assist them cost-  
efficiently and in a competent manner in their tasks of ensuring the application of the  
prohibitions.*

**Amendment 269**

**András Gyürk, Ernő Schaller-Baross**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 14 – point a**

Regulation (EU) No 1227/2011

Article 13 – paragraph 1

*Text proposed by the Commission*

*Amendment*

Where appropriate, the national regulatory  
authorities may exercise their investigatory  
powers in collaboration with organised  
markets, trade-matching systems or other  
persons professionally arranging **or**

Where appropriate, the national regulatory  
authorities may exercise their investigatory  
powers in collaboration with organised  
markets, trade-matching systems or other  
persons professionally arranging

**executing** transactions as referred to in point (d) of Article 8(4).;

transactions as referred to in point (d) of Article 8(4).;

Or. en

*Justification*

*We proposes to not make market parties executing transactions in wholesale markets subject to carry out surveillance of breaches of article 3 and 5 of this regulation. This would be a significant barrier for new entry of market parties in the electricity market and will stifle competition over time. Moreover, persons professionally arranging transactions cannot be held responsible for identifying breaches of obligations they cannot verify.*

**Amendment 270**

**András Gyürk, Ernő Schaller-Baross**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 14 – point b**

Regulation (EU) No 1227/2011

Article 13 – paragraph 3

*Text proposed by the Commission*

*Amendment*

**3. In order to fight against breaches of the provisions of this Regulation, to support and complement the enforcement activities of the national regulatory authorities, and to contribute to a uniform application of this Regulation throughout the Union, the Agency may carry out investigations by exercising the powers conferred onto it by and in accordance with Articles 13a and 13b.** **deleted**

Or. en

*Justification*

*The proposed significant new powers to the Agency, like onsite inspections, appear in conflict with national enforcement regimes. To maintain an efficient and proportionate surveillance regime, investigation of identified breaches and enforcement of sanctioning, including the definition and the determination of appropriate penalties, should exclusively be performed by national regulatory authorities.*

**Amendment 271**

**Jakop G. Dalunde**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 14 – point b**

Regulation (EU) No 1227/2011

Article 13 – paragraph 3

*Text proposed by the Commission*

3. In order to fight against breaches of the provisions of this Regulation, to support and complement the enforcement activities of the national regulatory authorities, and to contribute to a uniform application of this Regulation throughout the Union, the Agency may carry out investigations by exercising the powers conferred onto it by and in accordance with Articles 13a **and 13b**.

*Amendment*

3. In order to fight against breaches of the provisions of this Regulation, to support and complement the enforcement activities of the national regulatory authorities, and to contribute to a uniform application of this Regulation throughout the Union, ***or upon a request from the European Parliament, the Council or the Commission, or on its own initiative***, the Agency may carry out investigations ***into a particular type of activity or type of product or type of conduct aiming to assess potential threats to the integrity and transparency of wholesale markets*** by exercising the powers conferred onto it by and in accordance with Articles 13a **to 13k**.

Or. en

**Amendment 272**

**Zdzisław Krasnodębski**

on behalf of the ECR Group

**Izabela-Helena Kloc, Elżbieta Kruk**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 14 – point b**

Regulation (EU) No 1227/2011

Article 13 – paragraph 3

*Text proposed by the Commission*

3. In order to fight against breaches of the provisions of this Regulation, to support and complement the enforcement activities of the national regulatory authorities, and to contribute to a uniform application of this Regulation throughout

*Amendment*

3. In order to fight against breaches of the provisions of this Regulation, to support and complement the enforcement activities of the national regulatory authorities, and to contribute to a uniform application of this Regulation throughout

the Union, the Agency may carry out investigations by exercising the powers conferred onto it by and in accordance with Articles 13a and 13b.

the Union, ***upon a request of one or more regulatory authorities of concerned Member States***, the Agency may carry out investigations by exercising the powers conferred onto it by and in accordance with Articles 13a and 13b.

Or. en

#### *Justification*

*ACER had already existing instruments to intervene in a situation of potential market abuse (request to a NRA to commence an investigation, investigatory groups consisted of respective NRAs). The power of launching investigation in place of NRAs and against their will is not justified and would lead to distortion of balance between the competences of ACER and NRAs and would create a legal confusion on the validity and the relevance of ACER's report.*

#### **Amendment 273**

**Patrizia Toia, Robert Hajšel, Niels Fuglsang, Carlos Zorrinho**

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

#### **Article 1 – paragraph 1 – point 14 – point b**

Regulation (EU) 1227/2011

Article 13 – paragraph 3

#### *Text proposed by the Commission*

3. In order to fight against breaches of the provisions of this Regulation, to support and complement the enforcement activities of the national regulatory authorities, and to contribute to a uniform application of this Regulation throughout the Union, the Agency ***may*** carry out investigations by exercising the powers conferred onto it by and in accordance with Articles 13a and 13b.

#### *Amendment*

3. In order to fight against breaches of the provisions of this Regulation, to support and complement the enforcement activities of the national regulatory authorities, and to contribute to a uniform application of this Regulation throughout the Union, the Agency ***shall, with the support of the relevant competent national regulatory authorities***, carry out investigations by exercising the powers conferred onto it by and in accordance with Articles 13a and 13b.

Or. en

#### *Justification*

*NRAs should cooperate with and support ACER's investigations*

## Amendment 274

Paolo Borchia, Isabella Tovaglieri

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 14 – point b

Regulation 1227/2011

Article 13 – paragraph 3

#### *Text proposed by the Commission*

3. In order to fight against breaches of the provisions of this Regulation, to support and complement the enforcement activities of the national regulatory authorities, and to contribute to a uniform application of this Regulation throughout the Union, the Agency may **carry out** investigations by exercising the **powers conferred onto it by** and in accordance with Articles 13a and 13b.

#### *Amendment*

3. In order to fight against breaches of the provisions of this Regulation, to support and complement the enforcement activities of the national regulatory authorities, and to contribute to a uniform application of this Regulation throughout the Union, the Agency may **support national regulatory authorities'** investigations by exercising the **actions identified by them** and in accordance with Articles 13a and 13b.

Or. en

## Amendment 275

Claudia Gamon, Morten Petersen

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 14 – point b

Regulation (EU) No 1227/2011

Article 13 – paragraph 3

#### *Text proposed by the Commission*

3. In order to fight against breaches of the provisions of this Regulation, to support and complement the enforcement activities of the national regulatory authorities, and to contribute to a uniform application of this Regulation throughout the Union, the Agency may carry out investigations by exercising the powers conferred onto it by and in accordance with Articles 13a **and 13b**.

#### *Amendment*

3. In order to fight against breaches of the provisions of this Regulation, to support and complement the enforcement activities of the national regulatory authorities, and to contribute to a uniform application of this Regulation throughout the Union, the Agency may carry out investigations by exercising the powers conferred onto it by and in accordance with Articles 13a **to 13k**.

Or. en



*Justification*

*Amendment necessary for pressing reasons relating to the internal logic of the text.  
Clarification of ACER's powers to investigate.*

**Amendment 276**

**Claudia Gamon, Morten Petersen**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 14 – point b**

Regulation (EU) No 1227/2011

Article 13 – paragraph 4

*Text proposed by the Commission*

4. The Agency may exercise its powers to ensure that the prohibitions set out in Article 3 and Article 5 **and the obligations set out in Article 4** are applied where:

*Amendment*

4. The Agency may exercise its powers to ensure that the prohibitions set out in Article 3 and Article 5 are applied where:

Or. en

*Justification*

*Amendment necessary for pressing reasons relating to the internal logic of the text.  
Clarification of ACER's powers, covered by new paragraph 4a under this article*

**Amendment 277**

**Jakop G. Dalunde**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 14 – point b**

Regulation (EU) No 1227/2011

Article 13 – paragraph 4

*Text proposed by the Commission*

4. The Agency may exercise its powers to ensure that the prohibitions set out in Article 3 and Article 5 **and the obligations set out in Article 4** are applied where:

*Amendment*

4. The Agency may exercise its powers to ensure that the prohibitions set out in Article 3 and Article 5 are applied where:

Or. en

*Justification*

*Provisions relating to the obligations set out in Article 4 deserve a separate paragraph.*

**Amendment 278**

**Patrizia Toia, Robert Hajšel, Niels Fuglsang, Carlos Zorrinho**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 14 – point b**

Regulation (EU) No 1227/2011

Article 13 – paragraph 4

*Text proposed by the Commission*

4. The Agency **may** exercise its powers to ensure that the prohibitions set out in Article 3 and Article 5 and the obligations set out in Article 4 are applied where:

*Amendment*

4. The Agency **shall** exercise its powers to ensure that the prohibitions set out in Article 3 and Article 5 and the obligations set out in Article 4 are applied where:

Or. en

*Justification*

*Clarity about ACER's investigative powers is needed*

**Amendment 279**

**Paolo Borchia, Isabella Tovaglieri**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 14 – point b**

Regulation 1227/2011

Article 13 – paragraph 4

*Text proposed by the Commission*

4. The Agency may exercise its **powers** to ensure that the prohibitions set out in Article 3 and Article 5 and the obligations set out in Article 4 are applied where:

*Amendment*

4. The Agency may exercise its **actions** to ensure that the prohibitions set out in Article 3 and Article 5 and the obligations set out in Article 4 are applied where:

Or. en

**Amendment 280**  
**Paolo Borchia, Isabella Tovaglieri**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 14 – point b**  
Regulation 1227/2011  
Article 13

*Text proposed by the Commission*

*Amendment*

**(a) acts are being or have been carried out on wholesale energy products for delivery in at least three Member States; or** **deleted**

Or. en

*Justification*

*In order to strengthen the principle of subsidiarity, avoiding unnecessary and burdensome overlapping between national and European competences while ensuring greater transparency towards operators, it is important that the exercise of investigative powers by the Agency is limited only to cases in which determine a genuine jurisdictional issue between national authorities. These cases would be covered by points c) and d) described below.*

**Amendment 281**  
**Claudia Gamon, Morten Petersen, Klemen Grošelj**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 14 – point b**  
Regulation (EU) No 1227/2011  
Article 13 – paragraph 4, point (a)

*Text proposed by the Commission*

*Amendment*

**(a) acts are being or have been carried out on wholesale energy products for delivery in at least three Member States; or**

**(a) acts *related to the allegation* are being or have been carried out on wholesale energy products for delivery in at least three Member States; or**

Or. en

*Justification*

*Amendment necessary for pressing reasons relating to the internal logic of the text. Clarification of ACER's powers to investigate.*

**Amendment 282**  
**Marina Mesure**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 14 – point b**

Regulation (EU) No 1227/2011

Article 13

*Text proposed by the Commission*

*Amendment*

(a) acts are being or have been carried out on wholesale energy products for delivery in at least **three** Member States; or

(a) acts are being or have been carried out on wholesale energy products for delivery in at least **two** Member States; or

Or. fr

*Justification*

*Sufficient cross-border dimension.*

**Amendment 283**

**Jakop G. Dalunde**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 14 – point b**

Regulation (EU) No 1227/2011

Article 13 – paragraph 4 – point a

*Text proposed by the Commission*

*Amendment*

(a) acts are being or have been carried out on wholesale energy products for delivery in at least **three** Member States; or

(a) acts are being or have been carried out on wholesale energy products for delivery in at least **two** Member States; or

Or. en

*Justification*

*ACER should be granted investigatory powers in all cross - border cases, namely, when there is an act carried in at least two Member States.*

**Amendment 284**

**Marina Mesure**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 14 – point b**  
Regulation (EU) No 1227/2011  
Article 13

*Text proposed by the Commission*

*Amendment*

**(aa) at the request of a national  
regulator; or**

Or. fr

**Amendment 285**  
**Paolo Borchia, Isabella Tovaglieri**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 14 – point b**  
Regulation 1227/2011  
Article 13

*Text proposed by the Commission*

*Amendment*

**(b) acts are being or have been carried  
on wholesale energy products for delivery  
in at least two Member States and at least  
one of the natural or legal persons who is  
carrying or carried out these acts is  
resident or established in a third country  
but registered pursuant to Article 9(1); or**      **deleted**

Or. en

*Justification*

*In order to strengthen the principle of subsidiarity, avoiding unnecessary and burdensome overlapping between national and European competences, while ensuring greater transparency towards operators, it is important that the exercise of investigative powers by the Agency is limited only to cases in which determine a genuine jurisdictional issue between national authorities. These cases would be covered by points c) and d) described below.*

**Amendment 286**  
**Marina Mesure**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 14 – point b**  
Regulation (EU) No 1227/2011

## Article 13

*Text proposed by the Commission*

(b) acts are being or have been carried on wholesale energy products for delivery in at least two Member States ***and at least one of the natural or legal persons who is carrying or carried out these acts is resident or established in*** a third country ***but registered pursuant to Article 9(1)***; or

*Amendment*

(b) acts are being or have been carried on wholesale energy products for delivery in at least two Member States or ***one Member State plus*** a third country; or

Or. fr

### **Amendment 287**

**Claudia Gamon, Morten Petersen, Klemen Grošelj**

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

#### **Article 1 – paragraph 1 – point 14 – point b**

Regulation (EU) No 1227/2011

Article 13 – paragraph 4, point (b)

*Text proposed by the Commission*

(b) acts are being or have been carried on wholesale energy products for delivery in at least two Member States and at least one of the natural or legal persons who is carrying or carried out these acts is resident or established in a third country ***but registered pursuant to Article 9(1)***; or

*Amendment*

(b) acts ***related to the allegation*** are being or have been carried on wholesale energy products for delivery in at least two Member States and at least one of the natural or legal persons who is carrying or carried out these acts is resident or established in ***another Member State or in*** a third country; or

Or. en

#### *Justification*

*Amendment necessary for pressing reasons relating to the internal logic of the text.  
Clarification of ACER's powers to investigate.*

### **Amendment 288**

**Jakop G. Dalunde**

on behalf of the Verts/ALE Group

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

**Article 1 – paragraph 1 – point 14 – point b**  
Regulation (EU) No 1227/2011  
Article 13 – paragraph 4 – point b

*Text proposed by the Commission*

(b) acts are being or have been carried on wholesale energy products for delivery in at least two Member States and at least one of the natural or legal persons who is carrying or carried out these acts is resident or established in a third country **but registered pursuant to Article 9(1)**; or

*Amendment*

(b) acts are being or have been carried on wholesale energy products for delivery in at least two Member States and at least one of the natural or legal persons who is carrying or carried out these acts is resident or established in a third country **or another Member State**; or

Or. en

*Justification*

*Lack of formal registration or registration in another Member State should not prevent ACER from investigating third country market participants.*

**Amendment 289**

**Zdzisław Krasnodębski**

on behalf of the ECR Group

**Izabela-Helena Kloc, Elżbieta Kruk**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 14 – point b**

Regulation (EU) No 1227/2011

Article 13 – paragraph 4 – point c

*Text proposed by the Commission*

(c) **the competent national regulatory authority, without prejudice to the derogations referred to in Article 16(5), does not immediately take the necessary measures in order to comply with the request from the Agency referred to in Article 16(4)(b); or**

*Amendment*

**deleted**

Or. en

**Amendment 290**

**Mauri Pekkarinen**

## Proposal for a regulation

### Article 1 – paragraph 1 – point 14 – point b

Regulation (EU) No 1227/2011

Article 13, paragraph 4, point c

#### *Text proposed by the Commission*

(c) the competent national regulatory authority, without prejudice to the derogations referred to in Article 16(5), ***does not immediately take the necessary measures in order to comply with the request from*** the Agency referred to in Article 16(4)(b); or

#### *Amendment*

(c) the competent national regulatory authority, without prejudice to the derogations referred to in Article 16(5), ***has ended an investigation referred to in Article 16(4)(b) without concluding whether a breach has taken place; or (c1) an investigatory group as referred to in Article 16(4)(c), had ended an investigation without concluding whether a breach has taken place; or (c2) the competent national regulatory authority has requested*** the Agency ***to take over an investigation*** referred to in Article 16(4)(b); or

Or. en

#### *Justification*

*Point c “immediately take the necessary measures” leaves too much room for interpretation. If for example due to lack of resources an NRA or an investigatory group of NRAs decides not to continue an investigation of a suspected breach that ACER has brought to its attention, ACER should have the opportunity to take over such an investigation. However, if the NRA concludes that a breach cannot be established, there should not be such a possibility for ACER. NRAs should also have the possibility to ask ACER to take over an investigation,*

## Amendment 291

Paolo Borchia, Isabella Tovaglieri

## Proposal for a regulation

### Article 1 – paragraph 1 – point 14 – point b

Regulation 1227/2011

Article 13, paragraph 4, point c

#### *Text proposed by the Commission*

(c) the competent national regulatory authority, without prejudice to the derogations referred to in Article 16(5),

#### *Amendment*

(c) the competent national regulatory authority, without prejudice to the derogations referred to in Article 16(5),



does not ***immediately*** take the necessary measures in order to comply with the request from the Agency referred to in Article 16(4)(b); or

does not take the necessary measures ***within a reasonable timeframe*** in order to comply with the request from the Agency referred to in Article 16(4)(b) ***in cases involving a cross-border dimension***; or

Or. en

#### *Justification*

*The substitutive power of the Agency in decisions of NRAs being a very strong power, must respect at least one time constraint as occurs for other ACER substitute powers already in the legislation (regulation 943).*

### **Amendment 292** **Marina Mesure**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 14 – point b**  
Regulation (EU) No 1227/2011  
Article 13

#### *Text proposed by the Commission*

(c) the competent national regulatory authority, without prejudice to the derogations referred to in Article 16(5), ***does not immediately take the necessary measures in order*** to comply with the request from the Agency referred to in Article 16(4)(b); or

#### *Amendment*

(c) the competent national regulatory authority, without prejudice to the derogations referred to in Article 16(5), ***has not duly substantiated its refusal*** to comply with the request from the Agency referred to in Article 16(4)(b); or

Or. fr

### **Amendment 293** **Patrizia Toia, Robert Hajšel, Niels Fuglsang, Carlos Zorrinho**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 14 – point b**  
Regulation (EU) 1227/2011  
Article 13, paragraph 4, point (c a) new

#### *Text proposed by the Commission*

#### *Amendment*

***(ca) the competent national regulatory***

*authority requests ACER to exercise its powers in acts that, even if not falling in points c), have a cross-border dimension.*

Or. en

*Justification*

*NRAs should be able to request the intervention of the Agency in cross-border cases for different reasons*

**Amendment 294**

**Jakop G. Dalunde**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 14 – point b**

Regulation (EU) No 1227/2011

Article 13 – paragraph 4 – point d

*Text proposed by the Commission*

*Amendment*

*(d) the relevant information as defined in Article 2(1) of this Regulation is likely to significantly affect the prices of wholesale energy products for delivery in at least three Member States.* **deleted**

Or. en

*Justification*

*This is addressed now in the new point 4a.*

**Amendment 295**

**Paolo Borchia, Isabella Tovaglieri**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 14 – point b**

Regulation 1227/2011

Article 13

*Text proposed by the Commission*

*Amendment*

*(d) the relevant information as defined in Article 2(1) of this Regulation is likely*

*(d) the relevant information as defined in Article 2(1) of this Regulation is likely*

to significantly affect the prices of wholesale energy products for delivery in at least three Member States.

to significantly affect the prices of wholesale energy products for delivery in at least three Member States.

***The competent national regulatory authority requests ACER to exercise its powers in acts that, even if not falling in points c), have a cross-border dimension.***

Or. en

#### *Justification*

*NRAs should be able to request the intervention of the Agency in cross-border cases for different reasons such as the availability of insufficient resources or specific jurisdictional limitations in the implementation of Remit in its MS as it might happen in cases in which the market participant (MPs) is based in third country, etc.*

#### **Amendment 296**

**Claudia Gamon, Morten Petersen**

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

**Article 1 – paragraph 1 – point 14 – point b**

Regulation (EU) No 1227/2011

Article 13 – paragraph 4, point (d)

#### *Text proposed by the Commission*

(d) ***the relevant information as defined in Article 2(1) of this Regulation is likely to significantly affect the prices of wholesale energy products for delivery in at least three Member States.***

#### *Amendment*

(d) ***the competent national regulatory authority requests the Agency to exercise its powers in acts, even if not falling within points a), b) or c).***

Or. en

#### *Justification*

*Amendment necessary for pressing reasons relating to the internal logic of the text. Additional criterion for NRAs to request the Agency to exercise powers. Information criterion of original subparagraph moved to paragraph 4a.*

#### **Amendment 297**

**Marina Mesure**

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

**Article 1 – paragraph 1 – point 14 – point b**  
Regulation (EU) No 1227/2011  
Article 13

*Text proposed by the Commission*

(d) the relevant information as defined in Article 2(1) of this Regulation is likely to significantly affect the prices of wholesale energy products for delivery in at least **three** Member States.

*Amendment*

(d) the relevant information as defined in Article 2(1) of this Regulation is likely to significantly affect the prices of wholesale energy products for delivery in at least **two** Member States.

Or. fr