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AMENDMENTS 15 - 30

Draft opinion
Leopold Józef Rutowicz
(PE402.507v01-00)

on the proposal for a regulation of the European Parliament and of the Council
amending regulation (EC) No 1228/2003 on conditions for access to the
network for cross-border exchanges in electricity

Proposal for a regulation – amending act
(COM(2007)0531 – C6-0320/2007 – 2007/0198(COD))

AM_Com_LegOpinion

Amendment 15
Joel Hasse Ferreira

Proposal for a regulation – amending act
Recital 3

Text proposed by the Commission

(3) However, at present, the right to sell electricity in any Member State on equal terms, without discrimination or disadvantage cannot be guaranteed to any company in the Community. In particular, non-discriminatory network access and an equally effective level of regulatory supervision in each Member State do not yet exist.

Amendment

(3) However, at present, the right to sell electricity in any Member State on equal terms, without discrimination or disadvantage cannot **yet** be guaranteed to any company in the Community. In particular, non-discriminatory network access and an equally effective level of regulatory supervision in each Member State do not yet exist

Or. en

Amendment 16
Joel Hasse Ferreira

Proposal for a regulation – amending act
Recital 6

Text proposed by the Commission

(6) In particular, increased cooperation and coordination among transmission system operators is required to ensure **progressive** compatibility of the technical and commercial codes for providing and managing effective access to the transmission networks across borders, and to ensure coordinated and sufficiently forward looking planning and sound technical evolution of the transmission system in the Community, with due regard to the environment, and to promote energy efficiency and research and innovation notably with respect to ensuring penetration of renewables and dissemination of low carbon technology.

Amendment

(6) In particular, increased cooperation and coordination among transmission system operators is required to ensure compatibility of the technical and commercial codes for providing and managing effective access to the transmission networks across borders, and to ensure coordinated and sufficiently forward looking planning and sound technical evolution of the transmission system in the Community, with due regard to the environment, and to promote energy efficiency and research and innovation notably with respect to ensuring penetration of renewables and dissemination of low carbon technology.

Transmission system operators should operate their networks according to these compatible technical and market codes.

Transmission system operators should operate their networks according to these compatible technical and market codes.

Or. en

Amendment 17

Leopold Józef Rutowicz

Proposal for a regulation – amending act Recital 7

Text proposed by the Commission

(7) In order to ensure an optimal management of the electricity transmission network and to allow trading and supplying electricity to retail customers across borders in the Community a European network of the transmission system operators should be established. Its tasks should be carried out in compliance with Community competition rules which remain applicable to the decisions of the European network of the transmission system operators. Its tasks should be well-defined and their working method should be such as to ensure efficiency, representativity and transparency. Given that more effective progress may be achieved through an approach at regional level, transmission system operators should set up regional structures within the overall cooperation structure, whilst ensuring that results at regional level are compatible with codes and investment plans at Community level. ***Cooperation within such regional structures presupposes effective unbundling of network activities from production and supply activities in the absence of which regional cooperation between transmission system operators gives rise to a risk of anti-competitive conduct.***

Amendment

(7) In order to ensure an optimal management of the electricity transmission network and to allow trading and supplying electricity to retail customers across borders in the Community a European network of the transmission system operators should be established. Its tasks should be carried out in compliance with Community competition rules which remain applicable to the decisions of the European network of the transmission system operators. Its tasks should be well-defined and their working method should be such as to ensure efficiency, representativity and transparency. Given that more effective progress may be achieved through an approach at regional level, transmission system operators should set up regional structures within the overall cooperation structure, whilst ensuring that results at regional level are compatible with codes and investment plans at Community level. ***Member States should promote cooperation at regional level, and regulators should monitor the effectiveness of the network at that level.***

Or. en

Justification

The Member States' promotion of the cooperation at regional level and the obligation for regulators to monitor the effectiveness of the network is very important in ensuring a true internal cross border market and cooperation. Furthermore effective ownership unbundling is not a necessary condition for ensuring regional cooperation. The cooperation can exist and can be effective without ownership unbundling.

Amendment 18

Joel Hasse Ferreira

Proposal for a regulation – amending act

Recital 7

Text proposed by the Commission

(7) In order to ensure an optimal management of the electricity transmission network and to allow trading and supplying electricity to retail customers across borders in the Community a European network of the transmission system operators should be established. Its tasks should be carried out in compliance with Community competition rules which remain applicable to the decisions of the European network of the transmission system operators. Its tasks should be well-defined and their working method should be such as to ensure efficiency, representativity and transparency. Given that more effective progress may be achieved through an approach at regional level, transmission system operators should set up regional structures within the overall cooperation structure, whilst ensuring that results at regional level are compatible with codes and investment plans at Community level. ***Cooperation within such regional structures presupposes effective unbundling of network activities from production and supply activities in the absence of which regional cooperation between transmission system operators gives rise to a risk of anti-competitive conduct.***

Amendment

(7) In order to ensure an optimal management of the electricity transmission network and to allow trading and supplying electricity to retail customers across borders in the Community a European network of the transmission system operators should be established. Its tasks should be carried out in compliance with Community competition rules which remain applicable to the decisions of the European network of the transmission system operators. Its tasks should be well-defined and their working method should be such as to ensure efficiency, representativity and transparency. Given that more effective progress may be achieved through an approach at regional level, transmission system operators should set up regional structures within the overall cooperation structure, whilst ensuring that results at regional level are compatible with codes and investment plans at Community level.

Member States should promote cooperation at regional level, and monitor the effectiveness of the network at that level.

Cooperation at regional level should be compatible with progress towards a competitive and efficient European electricity market.

Or. en

Amendment 19

Nickolay Mladenov, Emmanouil Angelakas, Andreas Schwab, Jacques Toubon

Proposal for a regulation – amending act

Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) Cooperation at regional level between Member States and neighbouring countries with a European perspective should be promoted so as to ensure stability and security of supply, as well as the effectiveness of networks at that level.

Or. en

Justification

The promotion of cooperation at regional level between Member States and neighbouring countries with a European perspective is very important for stability of countries and ensuring high level of regional economic cooperation.

Amendment 20

Leopold Józef Rutowicz

Proposal for a regulation – amending act

Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) To ensure greater transparency of

the entire electricity transmission network in Europe, the European Network of Transmission System Operators should draw up, publish and update a "road map" for the electricity network in Europe. All electricity transmission networks and possible regional connections should be included in this road map. The Agency for the Cooperation of Energy Regulators should be consulted in the development of the road map, in particular in checking its consistency with the 10-year investment plans. The road map should be submitted to the Commission for review.

Or. en

Justification

The ENTSO should draw up, publish and update a road map for the electricity network in Europe, including possible regional connections, in order to secure transparency, better information on 'energy holes' (lack of transmission networks or connections) and to be able to suggest possible new cross border connections.

Amendment 21
Joel Hasse Ferreira

Proposal for a regulation – amending act
Recital 8 b (new)

Text proposed by the Commission

Amendment

(8b) To ensure greater transparency of the situation regarding the entire electricity transmission network in Europe, the Commission should draw up, publish and update a road map for the electricity network in Europe. All feasible electricity transmission networks and possible regional connections should be included in this road map.

Or. en

Amendment 22

Leopold Józef Rutowicz

Proposal for a regulation – amending act

Article 1 – point 3

Regulation (EC) n° 1228/2003

Article 2c – paragraph 3 – point b

Text proposed by the Commission

(b) grid connection and access rules;

Amendment

(b) grid connection and access rules,
***paying attention to the protection of the
interests of TSO customers in certain new
Member States which are small and
medium-sized enterprises;***

Or. en

Justification

Small and medium-sized enterprises often suffer from discrimination in the energy market

Amendment 23

Leopold Józef Rutowicz

Proposal for a regulation – amending act

Article 1 – point 3

Regulation (EC) n° 1228/2003

Article 2c – paragraph 3 – point g

Text proposed by the Commission

(g) rules for trading;

Amendment

(g) rules for trading, ***paying attention to
the protection of the interests of TSO
customers in certain new Member States
which are small and medium-
sized enterprises;***

Or. en

Justification

Small and medium-sized enterprises often suffer from discrimination in the energy market

Amendment 24

Leopold Józef Rutowicz

Proposal for a regulation – amending act

Article 1 – point 3

Regulation (EC) n° 1228/2003

Article 2c – paragraph 5

Text proposed by the Commission

5. The European Network of Transmission System Operators for Electricity shall publish a Community-wide 10-year network investment plan **every two years**. The investment plan shall include the modelling of the integrated network, scenario development, a generation adequacy report and an assessment of the resilience of the system. The investment plan shall, in particular, build on national investment plans and on the Guidelines for Trans-European energy networks in accordance with Decision No 1364/2006/EC of the European Parliament and of the Council. The investment plan shall identify investment gaps, notably with respect to cross border capacities.

Amendment

5. The European Network of Transmission System Operators for Electricity shall publish, **every two years**, a Community-wide 10-year network investment plan, **with the possibility of extension of this timeframe where necessary**. The investment plan shall include the modelling of the integrated network, scenario development, a generation adequacy report and an assessment of the resilience of the system. The investment plan shall, in particular, build on national investment plans and on the Guidelines for Trans-European energy networks in accordance with Decision No 1364/2006/EC of the European Parliament and of the Council. The investment plan shall identify investment gaps, notably with respect to cross border capacities.

Or. en

Justification

In many cases, large-scale investments and the development of the related networks require more than 10 years from conception to completion

Amendment 25

Joel Hasse Ferreira

Proposal for a regulation – amending act

Article 1 – point 3

Regulation (EC) n° 1228/2003

Article 2c – paragraph 5

Text proposed by the Commission

5. The European Network of Transmission System Operators for Electricity shall publish a Community-wide 10-year network investment plan every two years. The investment plan shall include the modelling of the integrated network, scenario development, a generation adequacy report and an assessment of the resilience of the system. The investment plan shall, in particular, build on national investment plans and on the Guidelines for Trans-European energy networks in accordance with Decision No 1364/2006/EC of the European Parliament and of the Council. The investment plan shall identify investment gaps, notably with respect to cross border capacities.

Amendment

5. The European Network of Transmission System Operators for Electricity shall publish a Community-wide 10-year network investment plan every two years. The investment plan shall include the modelling of the integrated network, scenario development, a generation adequacy report and an assessment of the resilience of the system. The investment plan shall, in particular, build on national investment plans and on the Guidelines for Trans-European energy networks in accordance with Decision No 1364/2006/EC of the European Parliament and of the Council. The investment plan shall identify investment gaps, notably with respect to cross border capacities. ***The investment plan shall be linked to a strategic energy scenario for the next 20 to 25 years.***

Or. en

Amendment 26
Joel Hasse Ferreira

Proposal for a regulation – amending act
Article 1 – point 3
Regulation (EC) n° 1228/2003
Article 2d – paragraph 2

Text proposed by the Commission

2. The European Network of Transmission System Operators for Electricity shall submit the ***draft*** technical and market codes, the draft 10-year investment plan and the draft annual work programme, including the information regarding the consultation process, to the Agency.

Amendment

2. The European Network of Transmission System Operators for Electricity shall submit ***its opinions and recommendations on*** the technical and market codes, the draft 10 year investment plan and the draft annual work programme, including the information regarding the consultation process, to the Agency.

Or. en

Amendment 27
Joel Hasse Ferreira

Proposal for a regulation – amending act
Article 1 – point 3
Regulation (EC) n° 1228/2003
Article 2e – paragraph 1

Text proposed by the Commission

1. After consulting the *Agency*, the Commission may invite the ***European Network of Transmission System Operators for Electricity***, within a reasonable period of time, to prepare codes in the areas listed in Article 2c(3) where it considers that such codes are necessary for the efficient functioning of the market.

Amendment

1. After consulting the ***European Network of Transmission System Operators for Electricity***, the Commission may invite the *Agency*, within a reasonable period of time, to prepare codes in the areas listed in Article 2c(3) where it considers that such codes are necessary for the efficient functioning of the market.

Or. en

Amendment 28
Joel Hasse Ferreira

Proposal for a regulation – amending act
Article 1 – point 3
Regulation (EC) n° 1228/2003
Article 2f – paragraph 1

Text proposed by the Commission

1. In carrying out its tasks, the European Network of Transmission System Operators for Electricity shall consult extensively, at an early stage and in an open and transparent manner, in particular while preparing ***the technical and market codes and*** its annual work programme referred to in Article 2c(1) and (3), with all appropriate market participants; the consultation shall include supply and generation undertakings, customers, system users, distribution system operators, including relevant (industry) associations,

Amendment

1. In carrying out its tasks, the European Network of Transmission System Operators for Electricity shall consult extensively, at an early stage and in an open and transparent manner, in particular while preparing its annual work programme referred to in Article 2c(1) and (3), with all appropriate market participants; the consultation shall include supply and generation undertakings, customers, system users, distribution system operators, including relevant (industry) associations, technical bodies

technical bodies and stakeholder platforms.

and stakeholder platforms.

Or. en

Amendment 29

Joel Hasse Ferreira

Proposal for a regulation – amending act

Article 1 – point 4

Regulation (EC) n° 1228/2003

Article 5 – paragraph 6

Text proposed by the Commission

6. Generation companies which own or operate generation assets, of which one has an installed capacity of at least 250 MW, shall keep at the disposal of the national regulatory authority, the national competition authority and the Commission, for five years all hourly data per plant that is necessary to verify all operational dispatching decisions and the bidding behaviour at power exchanges, interconnection auctions, reserve markets and OTC markets. The per plant and per hour information to be stored includes, but is not limited to, data on available generation capacity and committed reserves, including allocation of these committed reserves on a per plant level, at the time the bidding is carried out and when production takes place.

Amendment

6. Generation companies which own or operate generation assets, of which one has an installed capacity of at least 250 MW, shall keep at the disposal of the national regulatory authority, the national competition authority, ***the Agency*** and the Commission, for five years all hourly data per plant that is necessary to verify all operational dispatching decisions and the bidding behaviour at power exchanges, interconnection auctions, reserve markets and OTC markets. The per plant and per hour information to be stored includes, but is not limited to, data on available generation capacity and committed reserves, including allocation of these committed reserves on a per plant level, at the time the bidding is carried out and when production takes place.

Or. en

Amendment 30

Joel Hasse Ferreira

Proposal for a regulation – amending act

Article 1 – point 7

Regulation (EC) n° 1228/2003

Article 7a – paragraph 1

Text proposed by the Commission

In order to facilitate the emergence of well functioning and transparent cross-border retail markets on a regional and Community scale, Member States shall ensure that the roles and responsibilities of transmission system operators, distribution system operators, supply undertakings and customers and if necessary other market participants are defined with respect to contractual arrangements, commitment to customers, data exchange and settlement rules, data ownership and metering responsibility.

Amendment

In order to facilitate the emergence of well functioning and transparent cross-border retail markets on a regional and Community scale, Member States shall ensure that the roles and responsibilities of transmission system operators, distribution system operators, supply undertakings and customers and if necessary other market participants are ***thoroughly*** defined with respect to contractual arrangements, commitment to customers, data exchange and settlement rules, data ownership and metering responsibility.

Or. en