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NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee

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Subject: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND
OF THE COUNCIL on the internal market for electricity (recast)
- Analysis of the final compromise text with a view to agreement

In ST 5070/19 INIT:

Recital 14a, page 17, should read:

*(14a) [...] The minimum level of capacity that should be used in coordinated capacity calculation should be a percentage of the capacity of a critical network element, as defined following the selection process under the guideline on capacity allocation and congestion management, after **or in case of flow based while**, respecting operational security limits in contingency situation.*
[...]

Art. 11, page 59, paragraph 2 should read:

2. *Without prejudice to Articles 107 to 109 TFEU Member States shall ensure that when dispatching electricity generating installations, ■ system operators shall give priority to generating installations using renewable energy sources in so far as the secure operation of the national electricity system permits and based on transparent and non-discriminatory criteria and up to the following extent:*

[...]

Art. 14, page 77, paragraphs 7 and 7.a should be merged and should read:

7. Transmission system operators shall not limit the volume of interconnection capacity to be made available to ■ market participants in order to solve congestion inside their own *bidding zone or as a means of managing flows resulting from transaction internal to bidding zones.*

■ *Without prejudice to the application of the derogations under paragraphs 2a and 7b and to the application of article 13a(2), this paragraph shall be considered to be complied with if the following minimum levels of available capacity for cross-zonal trade are reached:*

- (i) *For borders using a coordinated net transmission capacity approach, the minimum level shall be 70% of the **net transmission** capacity respecting operational security limits **after deduction of** ■ contingencies, as determined according to the capacity allocation and congestion management guideline adopted on the basis of Article 18 of the Regulation 714/2009;*

[...]

(correct wording of the political agreement from last trilogue)

Art 58, page 154, should read:

[...]

*By 1 July 2025 the Commission shall assess the existing **■** network codes and guidelines in order to evaluate which of their elements could be usefully enshrined in legislative acts of the Union concerning the internal electricity market and how the empowerments for network codes and guidelines pursuant to Articles 55 and 57 could be revised.*

[...]

Art. 65, page 167, should read:

[...] *Articles 13, **13a** and 58a of this Regulation shall apply with effect from the date of entry into force of this Regulation.*

For the purpose of implementing Article 13, Article 14 of this Regulation shall apply with effect from the date of entry into force of this Regulation.
