



Council of the
European Union

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**16203/23
COR 1**

LIMITE

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FISC 281
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NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
No. Cion doc.:	7440/23 + ADD1
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulations (EU) 2019/943 and (EU) 2019/942 as well as Directives (EU) 2018/2001 and (EU) 2019/944 to improve the Union's electricity market design - Preparation for the trilogue

In doc. INIT 16203/23 the second paragraph under point III.5 (page 8) should read:

“The role of the European Commission would be kept when it comes to ensuring that the conditions to declare a crisis set out in the Article are met, and the Council would be the one adopting this declaration. The Presidency proposes to maintain the General Approach in line 291.”

In the 4-column table of the Annex to doc. 16203/23 INIT the line 184 (page 95) should read as follows:

184	1. Member States which apply a capacity mechanism in accordance with Article 21 shall consider the promotion of the participation of non-fossil flexibility such as demand side response and storage by introducing additional criteria or features in the design of the capacity mechanism.	1. Member States which apply a capacity mechanism in accordance with Article 21 shall consider the promotion of the participation of non-fossil flexibility <u>flexible resources</u> such as demand side response and <u>energy</u> storage by introducing additional criteria or features in the design of the capacity mechanism <u>ensuring that the product design, including all participation requirements, are market-based and do not impose any undue barriers on demand response and energy storage.</u>	1. Member States which apply a capacity mechanism in accordance with Article 21 shall consider the promotion of the participation of non-fossil flexibility such as demand side response and storage by introducing additional criteria or features in the design of the capacity mechanism <u>Where investments in non-fossil flexibility are insufficient to achieve the indicative national objective or, where relevant, provisional indicative objectives, identified in accordance with Article 19d, Member States may apply non-fossil flexibility support schemes consisting of payments for the available capacity of non-fossil flexibility without prejudice to Articles 12 and 13.</u>	1. Member States which apply a capacity mechanism <u>Where investments in non-fossil flexibility are insufficient to achieve the indicative national objective or, where relevant, provisional indicative objectives, identified in accordance with Article 21 shall consider the promotion of the participation</u> <u>19d, Member States may apply non-fossil flexibility support schemes consisting of payments for the available capacity</u> of non-fossil flexibility such as demand side response and storage by introducing additional criteria or features in the design of the capacity mechanism <u>without prejudice to Articles 12 and 13. [Member States which apply a capacity mechanism shall consider to make the necessary adaptations in the design of the capacity mechanisms to promote the participation of non-fossil flexibility such as demand side response and storage, without prejudice to the possibility for those Member States to use the non-fossil flexibility support schemes mentioned in this</u>
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				<u>paragraph.1</u> + RECITAL
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