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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 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

I. INTRODUCTION

1. On 14 March 2023, the Commission presented a proposal for the Regulation to improve the Union's electricity market design (EMD Regulation), together with the Regulation to improve the Union's protection against market manipulation in the wholesale energy market (REMIT Regulation). The EMD Regulation amends the Electricity Directive 2019/944 and the Electricity Regulation 2019/943, together with targeted changes in the Renewables Directive 2018/2001 and the ACER Regulation 2019/942.

2. The EMD proposal follows the very high prices and volatility in the electricity markets observed in 2021 and 2022, and is based on three pillars – to protect consumers, to enhance stability and predictability of the costs of energy and thereby contribute to the competitiveness of the EU economy, and to boost new energy investment.

3. The European Council on 23 March and 26-27 October 2023 called on the co-legislators to reach a prompt agreement on the reform of the Electricity Market Design adoption by the end of 2023.

4. In the European Parliament, the Committee on Industry, Research and Energy (ITRE) is the leader for the file. The appointed rapporteur is MEP Nicolas Gonzalez Casares (S&D, Spain). The Parliament adopted its report on the EMD Regulation in Plenary on 14 September 2023.

5. The European Economic and Social Committee adopted its opinion on the EMD Regulation on 14 June 2023, while the European Committee of the Regions adopted its opinion on the EMD Regulation on 6 July 2023.

II. INTERINSTITUTIONAL NEGOTATIONS - STATE OF PLAY

1. The TTE (Energy) Council on 17 October 2023 agreed on a general approach on the above-mentioned EMD Regulation proposal. The first interinstitutional trilogue took place on 19 October 2023 and subsequently, a second trilogue was held on 16 November. In addition to the trilogues, intense discussions have taken place at technical meetings. Key compromise proposals derived from the discussions on day ahead and intraday markets, energy sharing and flexibility provisions are described below.

2. As regards the Day ahead and intraday markets (Articles 7, 8 and 59 of Electricity Regulation 2019/943 on the internal market for electricity), a possible middle ground between co-legislators is to replace the reference to an entity managing the market coupling for day ahead and intraday electricity markets in Article 7.1 (line 87) and in article 59.1.b) (line 208) with a more general mention to 'governance options' just in article 59.1.b). References to this single entity in Article 59 of Electricity Directive 2019/944 and the ACER Regulation 2019/943 are subject to the agreement on Article 7&59 Regulation 2019/943. In Article 8(1) (line 113), the duration of the second derogation for Member States from the introduction of a closer to real time intraday cross-zonal gate closure time for the electricity market counting from 1 January 2029 would be 2,5 years and is linked to the above compromise for Article 7&59.

3. With regard to Energy sharing (Article 15a Electricity Directive 2019/944) the article has been streamlined based on the discussions with the European Parliament and in the Energy Working Party. The essential elements are:

   a) Scope (line 244): the right to participate in energy sharing shall apply to Small and Medium Enterprises (SMEs) and households, within the same bidding zone or a more limited geographical area as determined by the Member State. Member States may enlarge the scope and apply the right to large electricity customers.

   b) Set of clear criteria and roles/responsibilities for the application of the article, including an energy sharing operator as facilitator (line 246), as proposed by the Parliament. Specific capacity thresholds for household and multiapartments are established for their exoneration from the obligations of electricity suppliers while they share energy (line 249a). Member States have the possibility to adapt these thresholds within a range.

c) A general obligation to make accessible to vulnerable and poor customers the electricity shared by projects owned by public authorities is included (line 256a) with margin of manoeuvre for its application by Member States at national level. The Parliament insits along the lines of having a minimum percentage which the Presidency proposes to be inspirational.

d) The promotion of mini-solar devices of up to 800 W in buildings (line 256c) with specific derogations from the general regime established in article 15 of Electricity Directive 2019/944 as proposed by the Parliament could not be accepted by a vast majority of Member States. The compromise is to specifically refer to this type of facilities in the article and to give flexibility to Member States on how to promote them. The Parliament insists on having a more strong provision in this respect.

e) Cross-references to energy sharing in Article 7b of Electricity Regulation (Dedicated measurement device) and in Article 4 of Electricity Directive (free choice of electricity supplier) would be aligned with article 15a.

4. On flexibility provisions (lines 168 to 198, articles 19c to 19f Electricity Regulation 2019/943), as regards to the assessment of needs and the national indicative target for non-fossil flexibility (Articles 19c-19d of Electricity Regulation 2019/943), the compromise is to keep one single indicative target at national level for non-fossil flexibility allowing for different types or resources, with a focus on the contributions by demand side response and storage (line 181). Both the identification of non-fossil flexibility needs and the target will be incorporated in the framework of the National Energy and Climate Plans process, based on which the Commission shall submit a report (line 181a) and could propose, where appropriate, a Union level strategy for these resources (line 181a). In relation to the support schemes for non-fossil flexibility sources (Articles 19e-19f of Electricity Regulation 2019/943), the latest compromise proposal aims at encouraging Member States applying capacity mechanisms to enable the participation of flexibility resources and to apply, in case they decide so, support schemes to achieve the flexibility targets. On the criteria for the design of support schemes (Article 19f), the main difference among colegislators remains to be the cross border participation of flexibility resources, where the Presidency proposes as a landing zone that Member States can assess the costs and benefits of cross-border participation before applying this criteria.

5. The suggested 'provisionally agreed' compromise proposals discussed at technical level are included in document 16203/23 ADD1.

III. PREPARATION FOR THE NEXT TRILOGUE

1. The third informal trilogue will take place on 13 December 2023. The discussion will be focused on the following matters:

   a. Day ahead/intraday markets (Articles 7&59, 8 of Electricity Regulation 2019/943).

   b. Energy sharing (Article 15a Electricity Directive 2019/944 and related definitions).

   c. Flexibility provisions (Articles 19c to 19f Electricity Regulation 2019/943 and related definition).

   d. Power Purchase Agreements (PPAs) (Articles 19a and 19ab in Electricity Regulation 2019/943 and related definition).

   e. Access to affordable energy during an electricity price crisis (Article 66a in Electricity Directive 2019/944).

   f. Protection from disconnections for vulnerable customers (Article 28a in Electricity Directive 2019/944 and related definition).

   g. Capacity remuneration mechanisms (Articles 21, 22, 64 and 69 in Electricity Regulation 2019/943 and related definition).

   h. Contract for Differences (CfDs) (Article 19b in Electricity Regulation 2019/943, related definition and Article 4 in Renewables Directive 2018/2001).

   i. Other aspects: Derogations, new Article on energy auction scheme (new Article 19ac proposed by the Parliament) and General Provisions.

2. The above issues were presented and discussed during technical meetings with the Parliament and the Commission. Moreover, the Presidency presented and discussed drafting proposals at the Energy Working Party.

3. Taking into account the Council's General Approach, the discussions in the Energy Working Party and the written input received from Member States, and considering the negotiations that have taken place so far, the Presidency puts forward the compromise proposals reflected in this note (including its Annex) and asks for flexibility, where needed, in order to reach an agreement with the European Parliament in the trilogue.

4. **Power Purchase Agreements (PPAs)** (Articles 19a and 19ab of the Electricity Regulation 2019/943): The Parliament seeks to reinforce the focus on renewable PPAs in Article 19a of Regulation 2019/943, that aims at generally promoting PPAs. The Presidency understands the importance for some Member States to maintain a technology neutral approach, while other delegations prefer to underline the role of renewable PPAs as already envisaged in Directive 2018/2001 on the promotion of renewable energy sources. The Presidency would like to understand the views of Member States on the two options suggested in this respect in paragraph 1 (line 150): one to specifically mention renewable PPAs in the reference to promote the uptake of PPAs and the other to mention renewables in the context of reaching the objectives of the national integrated energy and climate plans.

   Along the same lines, in relation to the proposal of the Parliament to underline the possibility, where conditions allow, to exclusively focus guarantee schemes for PPAs on new renewable generation (line 152), the compromise of the Presidency would be to enable this possibility for Member States according to their decarbonisation policies.

In addition, the Presidency would maintain the overall balance in this Article by considering other relevant elements as well, such as the interplay with support schemes (line 153) and the impact of regulatory measures on existing PPAs (line 155a), as reflected in the compromise proposals included in the Annex to this note.

On the voluntary standardised contracts in the new Article 19ab of the Electricity Regulation (lines 155i to 155m), both institutions converge on maintaining the voluntary nature for Member States and to reinforce the text with an assessment from ACER on the PPA market based on the information from the database regulated in the REMIT Regulation 2011/1227.

5. **<u>Access to affordable energy during an electricity price crisis</u>** (Article 66a in Electricity Directive 2019/944). The main differences between colegislators are the governance of the declaration of a crisis in line 291 (the Commission or the Council), some of the triggering criteria to declare the crisis, and the proposal from the Parliament to mention specific categories of customers in line 296 (such as energy intensive or vulnerable ones) when applying measures in a crisis.

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 two options in line 291 in order to move towards the Parliament: mandatory or facultative adoption by Council once it receives the Commission proposal.

On the criteria to declare a crisis, the Presidency proposes as a potential way forward to combine the proposal by the Parliament to establish a minimum threshold of 180 €/MWh (already envisaged in Council Regulation 2022/1854) for the criteria of the average electricity wholesale price (line 292) and the exclusion of the crisis periods from the calculation of the average electricity price, as in the Council mandate. On the measures to be adopted by Member States once a crisis is declared, the Presidency proposes to maintain the General Approach in line 301, considering the existing possibility to further reduce electricity prices for vulnerable and poor customers, based on Article 5 of the current Electricity Directive. Provisions aimed at avoiding undue distorsions or fragmentation in the internal market, along the lines suggested by the Parliament, are incorporated. Presidency would like to know the flexibilities of Member States in relation to the inclusion of the possibility of price interventions for energy-intensive industrial customers.

Finally, the Presidency compromise proposal maintains the Council's General Approach in line 304d, with the possibility for Member States to apply, until 30 June 2024, a cap on revenues from inframarginal generators subject to the same conditions as those set out in Council Regulation (EU) 2022/1854. The Parliament is not open to include this provision, and the Presidency would like to know the flexibility of Member States to move towards the Parliament in this respect.

With the aim to have a clear set of criteria that allows for an electricity crisis declaration and to frame the measures to be adopted by Member States in this case, the Presidency would like to know the flexibilities from Member States according to the suggestions in the Annex to this note.

6. **Protection from disconnections for vulnerable customers** (Article 28a in Electricity Directive 2019/944 and related definition). This is an important article for the Parliament that proposes a prohibition to disconnect vulnerable and poor customers, and at the same time widens the scope of the article by including provisions to be applicable to household customers. Considering the framework already provided for in Chapter III of Electricity Directive 2019/944, and based on the exchanges with Member States, the Presidency compromise is to reinforce the measures to be put in place by Member States to protect vulnerable and energy poor customers, including the addition of the definition of energy poverty with a reference to the new Energy Efficiency Directive 2023/1791. With regard to general references to households, the Presidency proposal would be to bridge the gap with the Parliament based on the existing framework in Electricity Directive 2019/944.

7. With regard to **capacity remuneration mechanisms** (Articles 21, 22, 64 and 69 in Electricity Regulation 2019/943 and related definition) the provisions concern two different issues:

a) Amendments related to making capacity mechanisms a more structural tool for Member States in Chapter IV (lines 198a to 198e) and Article 69 of Regulation 2019/943 (lines 208l, 208m, 208u, 208v), where the co-legislators share some elements. While the Council General Approach reflects amendments to make capacity mechanisms more structural, the Parliament leaves it to the Commission to report on its assessment of the implications of the introduction of capacity mechanisms as a structural element. The Presidency would like to seek the flexibilities of Member States in this respect. In relation to the definition of capacity mechanisms (lines 84d-84e), it is the view of the Presidency that it deserves further assessment of the interplay between capacity mechanisms and flexibility.

b) Amendments to Article 64 of the same Regulation (lines 208p-208t) with respect to the introduction by the Council of a potential and exceptional derogation from the application of CO_2 emission limits in already authorized capacity mechanisms, where the Parliament has not shown openness at this stage. In this respect, the Presidency would like to understand the flexibilities from Member States with respect to this provision, bearing in mind the importance of this article for both co-legislators and the need to bridge the gap to achieve an agreement.

8. **<u>Contract for Differences (CfDs)</u>** (Article 19b in Electricity Regulation 2019/943, related definition and Article 4 in Renewables Directive 2018/2001). Considering the wide support that Member States have expressed to maintain the delicate balance reflected in the Council's General Approach, the Presidency will defend it in the trilogue with the Parliament as a key element to be preserved. In exchange, there is a need to be flexible towards the Parliament in other very relevant provisions of this EMD Regulation along the lines suggested in this note and its Annex.

IV. CONCLUSIONS

1. The <u>Permanent Representatives Committee</u> is invited to:

- confirm the compromise texts as preliminarily agreed at the technical level, as listed in ST 16203/23 ADD1 (four-column table),
- reflect on the above-mentioned issues, and
- agree on a revised mandate for the third informal trilogue on 13 December 2023, on the basis of (a) the above-mentioned issues, (b) the compromise proposals included in the Annex to this note and (c) suggestions and flexibilities expressed during the meeting of the Permanent Representatives Committee.

- New additions compared to initial Commission proposal: ***<u>bold, cursive and underlined</u>***
- Deletions compared to initial Commission proposal: ~~red and strikethrough~~

- In brackets the elements where options for flexibility are presented.

<u>Articles 7, 8, 9 & 59 in Electricity Regulation 2019/943</u>

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
G	85	(3) Article 7 is amended as follows:	(3) Article 7 is amended as follows:	(3) Article 7 is amended as follows:	(3) Article 7 is amended as follows:	G
G	86	(a) paragraph 1 is replaced by the following:	(a) paragraph 1 is replaced by the following:	(a) paragraph 1 is replaced by the following:	(a) paragraph 1 is replaced by the following:	G
Y	87	‘ 1. Transmission system operators and NEMOs, or an entity designated by them,	‘ 1. Transmission system operators and NEMOs~~, or an entity designated by them,~~ shall	‘ 1. Transmission system operators and NEMOs, or an entity designated by them,	‘ 1. Transmission system operators and NEMOs ***[***~~or an entity designated by them~~***]***, shall jointly	Y

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	shall jointly organise the management of the integrated day-ahead and intraday markets in accordance with Regulation (EU) 2015/1222. Transmission system operators and NEMOs shall cooperate at Union level or, where more appropriate, at a regional level in order to maximise the efficiency and effectiveness of Union electricity day-ahead and intraday trading. The obligation to cooperate shall be without prejudice to the application of Union competition law. In their functions relating to electricity trading, transmission system operators and NEMOs shall be subject to regulatory oversight by the regulatory authorities pursuant to Article 59 of Directive (EU) 2019/944 and ACER pursuant to Articles 4 and 8 of Regulation (EU) 2019/942. ’	jointly organise the management of the integrated day-ahead and intraday markets in accordance with Regulation (EU) 2015/1222. Transmission system operators and NEMOs shall cooperate at Union level or, where more appropriate, at a regional level in order to maximise the efficiency and effectiveness of Union electricity day-ahead and intraday trading. The obligation to cooperate shall be without prejudice to the application of Union competition law. In their functions relating to electricity trading, transmission system operators and NEMOs shall be subject to regulatory oversight by the regulatory authorities pursuant to Article 59 of Directive (EU) 2019/944 and ACER pursuant to Articles 4 and 8 of Regulation (EU) 2019/942 ***and the transparency obligations and effective supervision against market manipulation laid down in Regulation ... [REMIT II].’;*** ’	shall jointly organise the management of the integrated day-ahead and intraday markets in accordance with Regulation (EU) 2015/1222. Transmission system operators and NEMOs shall cooperate at Union level or, where more appropriate, at a regional level in order to maximise the efficiency and effectiveness of Union electricity day-ahead and intraday trading. The obligation to cooperate shall be without prejudice to the application of Union competition law. In their functions relating to electricity trading, transmission system operators and NEMOs**, or an entity designated by them,** shall be subject to regulatory oversight by the regulatory authorities pursuant to Article 59 of Directive (EU) 2019/944 and ACER pursuant to Articles 4 and 8 of Regulation (EU) 2019/942.’ ’	organise the management of the integrated day-ahead and intraday markets in accordance with Regulation (EU) 2015/1222. Transmission system operators and NEMOs shall cooperate at Union level or, where more appropriate, at a regional level in order to maximise the efficiency and effectiveness of Union electricity day-ahead and intraday trading. The obligation to cooperate shall be without prejudice to the application of Union competition law. In their functions relating to electricity trading, transmission system operators and NEMOs shall be subject to regulatory oversight by the regulatory authorities pursuant to Article 59 of Directive (EU) 2019/944 and ACER pursuant to Articles 4 and 8 of Regulation (EU) 2019/942 ***and the transparency obligations and effective supervision against market manipulation as laid down in the relevant provisions in Regulation REMIT II***.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
G 88	(b) paragraph 2 is amended as follows:	(b) paragraph 2 is amended as follows:	(b) paragraph 2 is amended as follows:	(b) paragraph 2 is amended as follows:	G
G 89	(i) point (c) is replaced by the following:	(i) point (c) is replaced by the following:	(i) point (c) is replaced by the following:	(i) point (c) is replaced by the following:	G
G 90	‘ (c) maximise the opportunities for all market participants to participate in cross-zonal and intra-zonal trade in a non-discriminatory way and as close as possible to real time across and within all bidding zones; ’	‘ (c) maximise the opportunities for all market participants to participate in cross-zonal and intra-zonal trade in a non-discriminatory way and as close as possible to real time across and within all bidding zones;~~-~~’; ’	‘ (c) maximise the opportunities for all market participants to participate in cross-zonal and intra-zonal trade in a non-discriminatory way and as close as possible to real time across and within all bidding zones; ’	‘ (c) maximise the opportunities for all market participants to participate in cross-zonal and intra-zonal trade in a non-discriminatory way and as close as possible to real time across and within all bidding zones; ’	G
G 91	(ii) the following point (ca) is inserted:	(ii) the following point (ca) is inserted:	(ii) the following point (ca) is inserted:	(ii) the following point (ca) is inserted:	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
92	‘ (ca) be organised in such a way as to ensure the sharing of liquidity between all NEMOs, both for cross-zonal and for intra-zonal trade; ’	‘ (ca) be organised in such a way as to ensure the sharing of liquidity between all NEMOs, both for cross-zonal and for intra-zonal trade;***in particular, NEMOs shall submit all orders for day-ahead and intraday products to the single day-ahead and intraday coupling until the latest point in time when day-ahead or intraday trading is allowed in a given bidding zone. NEMOs shall not organise the trading with day-ahead and intraday products, or products with similar characteristics, outside the single day-ahead and intraday coupling. This obligation shall apply to NEMOs and to undertakings which directly or indirectly exercise control or any right over a NEMO;’***	‘ (ca) be organised in such a way as to ensure the sharing of liquidity between all NEMOs, both for cross-zonal and for intra-zonal trade~~;~~ **at all times between themselves, including after the intraday cross-zonal gate closure. In particular, NEMOs shall submit all orders for day-ahead and intraday products to the single day-ahead and intraday coupling until the latest point in time when day-ahead or intraday trading is allowed in a given bidding zone. NEMOs shall not organise the trading with day-ahead and intraday products outside the single day-ahead and intraday coupling. This obligation shall apply to NEMOs, and where appropriate to undertakings which directly or indirectly exercise control or any right over a NEMO and to undertakings which are directly or indirectly exercise control or are controlled by a NEMO.** ’	‘ (ca) be organised in such a way as to ensure the sharing of liquidity between all NEMOs, ***at all times,*** both for cross-zonal and for intra-zonal trade~~;~~***.*** ***For the day-ahead market, from one hour before the gate closure time until the latest point in time where day-ahead trade is allowed, NEMOs shall both submit all orders for day-ahead products or products with same characteristics to the single day-ahead coupling and shall not organise trading with day-ahead products or products with same characteristics outside the single day-ahead coupling. For the intraday market, from the single intraday coupling gate opening time until the latest point in time when intraday trading is allowed in a given bidding zone, NEMOs shall both submit all orders for intraday products and products with same characteristics to the single intraday coupling and NEMOs shall not organise trading with intraday products or products with same characteristics outside the intraday coupling.***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				This obligation shall apply to NEMOs and to undertakings which directly or indirectly exercise control over a NEMO and to undertakings which are directly or indirectly controlled by a NEMO.
92a		***(iia) point (f) is replaced by the following:***		
92b		***'(f) be transparent and, where applicable, provide information by generation units while at the same time protecting the confidentiality of commercially sensitive information and ensuring trading occurs in an anonymous manner;';'***		***(f) be transparent and, where applicable, provide information by generation units while at the same time protecting the confidentiality of commercially sensitive information and ensuring trading occurs in an anonymous manner;*** ***+ RECITAL*** '
111	(5) Article 8 is amended as follows:	(5) Article 8 is amended as follows:	(5) Article 8 is amended as follows:	(5) Article 8 is amended as follows:

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
G	112	(a) paragraph 1 is replaced by the following:	(a) paragraph 1 is replaced by the following:	(a) paragraph 1 is replaced by the following:	(a) paragraph 1 is replaced by the following:	G
Y	113	‘ NEMOs shall allow market participants to trade energy as close to real time as possible and at least up to the intraday cross-zonal gate closure time. By 1 January 2028, the intraday cross-zonal gate closure time shall be at the earliest 30 minutes ahead of real time. ’	‘ ***‘***NEMOs shall allow market participants to trade energy as close to real time as possible and at least up to the intraday cross-zonal gate closure time. ~~By~~***From*** 1 January ~~2028~~***2026***, the intraday cross-zonal gate closure time shall ***not be earlier than 30 minutes ahead of real time, provided that this measure does not lead to an increase in greenhouse gas emissions. Regulatory authorities may,*** ~~be~~ at the ~~earliest~~***request of the relevant transmission system operator, grant a derogation from that requirement, until 1 January 2029. The request shall include:*** ***(a) an impact assessment, prepared in cooperation with NEMOs, and taking into account feedback from market participants, in accordance with Article 9 of Regulation (EU)***	‘ **1.** ‘NEMOs shall allow market participants to trade energy as close to real time as possible and at least up to the intraday cross-zonal gate closure time. By 1 January ~~2028~~**2026**, the intraday cross-zonal gate closure time shall be at the earliest 30 minutes ahead of real time. **The regulatory authority of a given Member State may, at the request of the relevant transmission system operator, grant a derogation from the requirement in the first subparagraph, until 1 January 2029. Such request shall be submitted to the regulatory authority concerned and shall include:** **a) an impact assessment that demonstrates the need for the derogation, based on a risk for security of supply**	‘ ***‘***NEMOs shall allow market participants to trade energy as close to real time as possible and at least up to the intraday cross-zonal gate closure time. ~~By~~***From*** 1 January ~~2028~~***2026***, the intraday cross-zonal gate closure time shall ***not be more than 30 minutes ahead of real time. The regulatory authorities of a Member State may,*** ~~be~~ at the ~~earliest~~***request of the relevant transmission system operator, grant a derogation from the requirement in the first subparagraph until 1 January 2029. The request shall be submitted to the regulatory authority concerned and shall include:*** ***(a) an impact assessment, taking into account feedback from relevant NEMOs and market participants, in accordance with Article 9 of Regulation (EU)***	Y

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		2015/1222, demonstrating the negative impacts of such a measure on the security of the national electricity system, cost-efficiency, integration of renewable energy and greenhouse gas emissions; and ***(b) an action plan aiming to shorten the intraday cross-zonal gate closure time to 30 minutes by 1 January 2029.*** ***Regulatory authorities may, at the request of the relevant transmission system operator, grant a further derogation from the requirement referred to in the first subparagraph by a maximum of two years counting from the expiry of the period referred to in the second subparagraph. The request from the relevant transmission system operator shall be submitted to the regulatory authority of the requesting transmission system operator, the ENTSO for Electricity and ACER by 1 January 2029 and shall include:*** ***(a) a new impact assessment justifying the need for a further***	**and taking into account feedback from market participants and NEMOs, and** **b) an action plan to shorten the intraday cross-zonal gate closure time to 30 minutes by no later than 1 January 2029.** **The regulatory authority may, at the request of the relevant transmission system operator, grant a further derogation from the requirement in the first subparagraph by a maximum of three years counting from expiry of the period referred to in the second subparagraph. The request from the transmission system operator shall be submitted to the national regulatory authority of the requesting transmission system operator, the ENTSO for Electricity and ACER no later than 1 January 2028 and shall include:** **(a) a new impact assessment justifying the**	***2015/1222. demonstrating the negative impacts of such a measure on the security of supply in the national electricity system, cost-efficiency including in relation to existing balancing platforms in accordance with Regulation (EU) 2017/2195, integration of renewable energy and greenhouse gas emissions; and*** ***(b) an action plan aiming to shorten the intraday cross-zonal gate closure time to 30 minutes by no later than 1 January 2029.*** ***The regulatory authority may, at the request of the relevant transmission system operator, grant a further derogation from the requirement referred to in the first subparagraph by a maximum of [2,5] years counting from the expiry of the period referred to in the second subparagraph. The request from the relevant transmission system operator shall be submitted to the regulatory authority of the requesting transmission system operator, the ENTSO for Electricity and ACER no later than 30 June 2028 and shall***

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		derogation, based on risks to the security of the national electricity system, cost-efficiency, the integration of renewable energy and greenhouse gas emissions, taking into account feedback from market participants and NEMOs; and ***(b) a revised action plan to shorten the intraday cross-zonal gate closure time to*** 30 minutes ~~ahead of~~ ***within two years of the expiry of the first derogation period.*** ***ACER shall issue an opinion on the cross-border impact of the derogations referred to in the second and third subparagraphs within six months of receipt of a request for such derogations. The regulatory authority concerned shall take that opinion into account before deciding upon a request for a derogation.*** ***By 1 December 2027, the Commission, after consulting NEMOs, ENTSO for Electricity, ACER and relevant stakeholders, shall submit a report to the European***	**need for a further derogation, based on risks to security of supply, taking into account feedback from market participants and NEMOs,** **(b) a revised action plan to shorten the intraday cross-zonal gate closure time to 30 minutes by the date for which extension is requested and no later than the date requested for the derogation.** **ACER shall issue an opinion regarding the cross-border impact of a further derogation as referred to in the third subparagraph within 6 months of receipt of a request for such further derogation. The concerned regulatory authority shall take these opinions into account before deciding upon a request for further derogation.'** '	***include:*** ***(a) a new impact assessment justifying the need for a further derogation, based on risks to the security of supply in the national electricity system, cost-efficiency, the integration of renewable energy and greenhouse gas emissions, taking into account feedback from market participants and NEMOs; and*** ***(b) a revised action plan to shorten the intraday cross-zonal gate closure time to*** 30 minutes ~~ahead of~~ ***by the date for which extension is requested and no later than the date requested for the derogation.*** ***ACER shall issue an opinion on the cross-border impact of a further derogation within six months of receipt of a request for such derogation. The regulatory authority concerned shall take that opinion into account before deciding upon a request for further derogation.*** ***By 1 December 2027, the Commission, after consulting NEMOs, ENTSO for Electricity,***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		Parliament and to the Council assessing the feasibility and practical solutions towards further decreasing the cross-zonal gate closure time in order to allow market participants to trade energy as close to real time ***as possible***. ***The report shall consider the impacts on the electricity system security, the cost-efficiency, the benefits to the integration of renewable energy and to the reduction of greenhouse gas emissions.';*** ’		***ACER and relevant stakeholders, shall submit a report to the European Parliament and to the Council assessing the impact of the implementation of the decreasing of the cross-zonal gate closure time established in this Article, the costs and benefits, the feasibility and practical solutions towards further decreasing it in order to allow market participants to trade energy as close to*** real time ***as possible***. ***The report shall consider the impacts on the electricity system security, the cost-efficiency, the benefits to the integration of renewable energy and to the reduction of greenhouse gas emissions.;*** ’
114	(b) paragraph 3 is replaced by the following:	(b) paragraph 3 is replaced by the following:	(b) paragraph 3 is replaced by the following:	(b) paragraph 3 is replaced by the following:
115	‘ NEMOs shall provide products for trading in day-ahead and intraday markets which are	‘ ‘NEMOs shall provide products for trading in day-ahead and intraday markets which are	‘ **3.** ‘NEMOs shall provide products for trading in day-ahead and intraday markets	‘ NEMOs shall provide products for trading in day-ahead and intraday markets which are sufficiently

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	sufficiently small in size, with minimum bid sizes of 100kW or less, to allow for the effective participation of demand-side response, energy storage and small-scale renewables including direct participation by customers. ’	sufficiently small in size, with minimum bid sizes of ~~100kW~~***100 kW*** or less, to allow for the effective participation of ~~demand-side~~***demand*** response, energy storage and small-scale renewables including direct participation by customers***, including through aggregation***.***’;*** ’	which are sufficiently small in size, with minimum bid sizes of 100kW or less, to allow for the effective participation of demand-side response, energy storage and small-scale renewables including direct participation by customers.’ ’	small in size, with minimum bid sizes of ~~100kW~~***100 kW*** or less, to allow for the effective participation of ~~demand-side~~***demand*** response, energy storage and small-scale renewables including direct participation by customers***, as well as through aggregation***.***’;*** ’

G	116	(6) Article 9 is replaced by the following:	(6) Article 9 is replaced by the following:	(6) Article 9 is replaced by the following:	(6) Article 9 is replaced by the following:	G
G	117	‘ Article 9	‘ Article 9	‘ Article 9	‘ Article 9	G
G	118	Forward markets	Forward markets	Forward markets	Forward markets	G
G	118a					G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		-1. By ... [six months after the date of entry into force of this amending Regulation], transmission system operators shall issue long-term transmission rights or have equivalent measures in place to allow market participants, including owners of power-generating facilities using renewable energy, to hedge price risks across bidding zone borders. Long-term transmission rights shall be allocated, in accordance with Regulation (EU) 2016/1719, on a regular basis, in a transparent, market based and non-discriminatory manner, with a range of maturities of up to at least three years ahead. The frequency of allocation of the long-term cross-zonal capacity shall support the efficient functioning of the forward market. The transmission system operators shall develop an approach aiming to increase the volume of cross-zonal capacities in forward markets and liquidity.		***-1. In accordance with Regulation (EU) 2016/1719, transmission system operators shall issue long-term transmission rights or have equivalent measures in place to allow market participants, including owners of power-generating facilities using renewable energy, to hedge price risks, unless an assessment of the forward market on the bidding zone borders performed by the relevant competent regulatory authorities shows that there are sufficient hedging opportunities in the concerned bidding zones.***
G 118				G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
b		***-1a. By ... [12 months after the date of entry into force of this amending Regulation], the Commission, after consulting ENTSO for Electricity and relevant market stakeholders, shall conduct an assessment of the possible implementation of practical solutions addressing hedging needs of market parties. That assessment shall consider at least the following:*** ***(a) the frequency of auctions for long-term transmision rights;*** ***(b) adequate product maturities for transmision rights extended up to at least three years;*** ***(c) the development of a secondary market;*** ***(d) adoption of products such as financial transmission rights obligations;*** ***(e) the improvement of investors' certainty and consumer price stability;*** ***(f) process on full cost-recovery to handle any financial risks and losses arising from these additional measures ensured by the regulatory authority;*** ***(g) the timeline for***		***2. Long-term transmission rights shall be allocated, on a regular basis, in a transparent, market based and non-discriminatory manner through a single allocation platform. The frequency of allocation and the maturities of the long-term cross-zonal capacity shall support the efficient functioning of the forward market.***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		implementation.		
119	1. By 1 December 2024 the ENTSO for Electricity shall submit to ACER, after having consulted ESMA, a proposal for the establishment of regional virtual hubs for the forward market. The proposal shall:	1. By ~~*1 December 2024 the*~~ ***... [18 months after the date of entry into force of this amending Regulation], the Commision, after consulting ACER,*** ENTSO for Electricity ***and ESMA, including other relevant stakeholders,*** shall submit to ~~*ACER, after having consulted ESMA, a proposal for*~~***the European Parliament and to the Council an assessment of the impact of*** the establishment of regional virtual hubs for the forward market ***on the functioning of the electricity markets and where appropriate revise the Commission Regulation (EU) 2016/1719 in accordance with Article 59(1). The impact assessment*** ~~*. The proposal*~~ shall ***focus, inter alia, on***:	1. ~~By 1 December 2024 the ENTSO for Electricity~~**The design of the Union's forward market** shall ~~submit to ACER, after having consulted ESMA, a proposal for the establishment of regional virtual hubs for the forward market. The proposal shall:~~**be based on regional virtual hubs supported by at least long-term transmission rights issued by transmission system operators, allowing price risk hedging across bidding zones.**	~~*1*~~***3***. ~~*By 1 December 2024 the ENTSO for Electricity*~~***The design of the Union's forward market*** shall ~~*submit to ACER, after having consulted ESMA, a proposal for the establishment of regional virtual hubs for the forward*~~***comprise the necessary tools to improve the ability of market participants to hedge price risks in the internal electricity*** market. ~~*The proposal shall:*~~
119a				***4. Within 18 months from the entry into force of this amending Regulation, the Commission shall, after having consulted***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				relevant stakeholders, assess the impact of possible measures to achieve the objective under paragraph 3 above. This impact assessment shall inter alia cover: ***(a) possible changes to the frequency of allocation for long-term transmission rights;*** ***(b) possible changes to the maturities of these long-term transmission rights, in particular maturities extended up to at least three years;*** ***(c) possible changes to the nature of these long-term transmission rights;*** ***(d) ways to strengthen the secondary market; and*** ***(e) the possible introduction of regional virtual hubs for the forward market.***
119 b		***(-a) determining the impact of regional virtual hubs on at least the forward market, transmission system operators, market participants and end-consumers as well as the potential benefits and***	**2. 24 months after [the entry into force of this Regulation] the Commission shall, after completing an impact assessment, adopt an implementing act in accordance with Article 59,**	***5. As regards regional virtual hubs for the forward market, the assessment under paragraph 4 above shall cover the following elements:***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		drawbacks that regional virtual hubs would bring as compared to the existing zonal model;	**that establishes the design referred to in paragraph 1. This implementing act shall in particular:**	
G 120	(a) define the geographical scope of the virtual hubs for the forward market, including the bidding zones constituting these hubs, aiming to maximise the price correlation between the reference prices and the prices of the bidding zones constituting virtual hubs;	(a) ~~*define the*~~ ***defining the adequate*** geographical scope of the ***regional*** virtual hubs ~~*for the forward market*~~, including the bidding zones constituting these hubs ***and specific situations of bidding zones belonging to two or more virtual hubs***, aiming to maximise the price correlation between the reference prices and the prices of the bidding zones constituting ***regional*** virtual hubs;	(a) **include a methodology to** define the geographical scope of the **regional** virtual hubs ~~for the forward market~~, including the bidding zones constituting these hubs, aiming to maximise the price correlation between the reference prices and the prices of the bidding zones constituting virtual hubs; ’	(a) ~~*define*~~ the ***adequate*** geographical scope of the ***regional*** virtual hubs***, including the bidding zones that would constitute these hubs and specific situations of*** ~~*for the forward market, including the*~~ bidding zones ~~*constituting these*~~***belonging to two or more virtual*** hubs, aiming to maximise the price correlation between the reference prices and the prices of the bidding zones constituting ***regional*** virtual hubs; G
G 120a		***(aa) giving due consideration to the level of electricity interconnectivity of Member States, in particular of those Member States below the interconnection targets for 2020 and 2030 laid down in Article 4,***		***(aa) the level of electricity interconnectivity of Member States, in particular of those Member States below the interconnection targets for 2020 and 2030 laid down in Article 4, point (d)(1), of Regulation (EU)*** G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		point (d)(1), of Regulation (EU) 2018/1999;		***2018/1999;***
121	(b) include a methodology for the calculation of the reference prices for the virtual hubs for the forward market, aiming to maximise the correlations between the reference price and the prices of the bidding zones constituting a virtual hub; such methodology shall be applicable to all virtual hubs and based on predefined objective criteria;	(b) ~~*include*~~***evaluating*** a methodology for the calculation of the reference prices for the ***regional*** virtual hubs for the forward market, aiming to maximise the correlations between the reference price and the prices of the bidding zones constituting a ***regional*** virtual hub~~*; such methodology shall be applicable to all virtual hubs and*~~ ***_*** based on predefined objective criteria;	(b) include a methodology for the calculation of the reference prices for the **regional** virtual hubs ~~for the forward market~~, aiming to maximise the correlations between the reference price and the prices of the bidding zones constituting a **regional** virtual hub; such methodology shall be ~~applicable to all virtual hubs and~~ based on predefined objective criteria;	(b) ~~*include a*~~***the*** methodology for the calculation of the reference prices for the ***regional*** virtual hubs for the forward market, aiming to maximise the correlations between the reference price and the prices of the bidding zones constituting a ***regional*** virtual hub;~~*such methodology shall be applicable to all virtual hubs and based on predefined objective criteria;*~~
122	(c) include a definition of financial long-term transmission rights from bidding zones to the virtual hubs for the forward market;	(c) ~~*include*~~***including*** a definition of financial long-term transmission rights from bidding zones to the ***regional*** virtual hubs ~~*for the forward*~~***as financial obligations to enable*** market ***participants to hedge their exposure to positive and negative price spreads, including as regards to volumes and maturities, and the need to***	(c) include a definition of financial long-term transmission rights ~~from~~ **between** bidding zones ~~to the~~ **and the regional** virtual hubs ~~for the forward~~**as financial obligations to enable** market **participants to hedge their exposure to positive and negative price spreads, including as regards to**	(c) ~~*include a definition of financial long-term transmission rights from*~~***the possibility for*** bidding zones to ~~*the virtual hubs for the forward market*~~***form part of more than one regional virtual hub***;

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		offer trading of long-term transmission rights between each bidding zone and the regional virtual hub;	**volumes and maturities;**	
123	(d) maximise the trading opportunities for hedging products referencing the virtual hubs for the forward market as well as for long term transmission rights from bidding zones to virtual hubs.	(d) ***how to*** maximise the trading opportunities for hedging products referencing the ***regional*** virtual hubs ~~*for the forward market*~~ as well as for long term transmission rights from bidding zones to ***regional*** virtual hubs~~.~~***;***	(d) maximise the trading opportunities for hedging products referencing the **regional** virtual hubs for the forward market as well as for long term transmission rights from bidding zones to **regional** virtual hubs~~.~~**; and**	(d) ~~*maximise*~~ the ***way to maximise*** trading opportunities for hedging products referencing the ***regional*** virtual hubs for the forward market as well as for long term transmission rights from bidding zones to ***regional*** virtual hubs~~.~~***;***
123a		***(da) specifying how the single allocation platform referred to in paragraph 3 shall offer allocation and facilitate trading of long-term transmission rights;***	**(e) specify how the single allocation platform referred to in paragraph 3 shall offer allocation and facilitate trading of long-term transmission rights.**	***(da) the ways to ensure that the single allocation platform referred to in paragraph 2 shall offer allocation and facilitate trading of long-term transmission rights.***
123 b		***(db) including an indicative implementation process.***		***[(db) the implications regarding pre-existing intergovernmental agreements and rights]***

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
G	124	2. Within six months of receipt of the proposal on the establishment of the regional virtual hubs for the forward market, ACER shall evaluate it and either approve or amend it. In the latter case, ACER shall consult the ENTSO for Electricity before adopting the amendments. The adopted proposal shall be published on ACER's website.	*deleted*	*deleted*	~~2~~***6***. ~~*Within six months of receipt of the proposal on the establishment of the regional virtual hubs for the forward market, ACER shall evaluate it and either approve or amend it. In the latter case, ACER shall consult the ENTSO for Electricity before adopting the amendments. The adopted proposal shall be published on ACER's website*~~***Based on the outcome of this assessment, the Commission shall, within 24 months from the entry into force of this amending Regulation, adopt an implementing act in accordance with Article 59(1) to further detail the specific measures and tools to achieve the objectives in paragraph 3 and their precise features***.	G
G	125	3. The single allocation platform established in accordance with Regulation (EU) 2016/1719 shall have a legal form as referred to in Annex II to Directive (EU) 2017/1132 of the European	3. The single allocation platform established in accordance with Regulation (EU) 2016/1719 shall ***act as an entity offering allocation and facilitating trading of long-term transmission rights on behalf of***	3. The single allocation platform established in accordance with Regulation (EU) 2016/1719 shall **act as an entity offering allocation and facilitating trading of long-term transmission rights on**	~~3~~***7***. The single allocation platform established in accordance with Regulation (EU) 2016/1719 shall ***act as an entity offering allocation and facilitating trading of long-term transmission rights on behalf of***	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Parliament and of the Council.	***the transmission system operators. It shall*** have a legal form as referred to in Annex II to Directive (EU) 2017/1132 of the European Parliament and of the Council.	**behalf of transmission system operators. It shall** have a legal form as referred to in Annex II to Directive (EU) 2017/1132 of the European Parliament and of the Council[1]. **1. Directive (EU) 2017/1132 of the European Parliament and of the Council of 14 June 2017 relating to certain aspects of company law (OJ L 169, 30.6.2017, p. 46).**	***transmission system operators. It shall*** have a legal form as referred to in Annex II to Directive (EU) 2017/1132 of the European Parliament and of the Council.
G 126	4. The single allocation platform shall:	4. The single allocation platform shall:	*deleted*	*deleted*
G *127*	*(a)* offer trading of long-term transmission rights between each bidding zone and virtual hub; where a bidding zone is not part of a virtual hub it may issue financial long-term transmission rights to a virtual hub or to other bidding zones that are part of the same capacity calculation region;	(a) offer trading of long-term transmission rights between each bidding zone and***, where relevant, regional*** virtual hub; where a bidding zone is not part of a virtual hub it may issue financial long-term transmission rights to a virtual hub or to other bidding zones that are part of the same capacity calculation region;	*deleted*	*deleted*
G *128*				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(b) allocate long-term cross-zonal capacity on a regular basis and in a transparent, market-based and non-discriminatory manner; the frequency of allocation of the long-term cross-zonal capacity shall support the efficient functioning of the forward market;	(b) allocate long-term cross-zonal capacity on a regular basis and in a transparent, market-based and non-discriminatory manner; the frequency of allocation of the long-term cross-zonal capacity shall support the efficient functioning of the forward market;	*deleted*	*deleted*

G 129	*(c)* offer trading of financial transmission rights that shall allow holders of these financial transmission rights to remove exposure to positive and negative price spreads, and with frequent maturities of up to at least three years ahead.	(c) offer trading of financial transmission rights that shall allow holders of these financial transmission rights to remove exposure to positive and negative price spreads, and with frequent maturities of up to at least three years ahead.	*deleted*	*deleted* G

G 130	*5.* Where a regulatory authority considers that there are insufficient hedging opportunities available for market participants, and after consultation of relevant financial market competent authorities in case the forward markets concern financial	5. Where a regulatory authority***, on the basis of the assessment refered to in paragraph 1 of this Article*** considers that there are insufficient hedging opportunities available for market participants, and after consultation of relevant financial market competent authorities in	5. Where a regulatory authority considers that there are insufficient hedging opportunities available for market participants, and after consultation of relevant financial market competent authorities in case the forward markets concern financial	~~5~~***8***. Where a regulatory authority considers that there are insufficient hedging opportunities available for market participants, and after consultation of relevant financial market competent authorities in case the forward markets concern financial instruments as defined under G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	instruments as defined under Article 4(1)(15), it may require power exchanges or transmission system operators to implement additional measures, such as market-making activities, to improve the liquidity of the forward market. Subject to compliance with Union competition law and with Directive (EU) 2014/65 and Regulations (EU) 648/2012 and 600/2014, market operators shall be free to develop forward hedging products, including long-term forward hedging products, to provide market participants, including owners of power-generating facilities using renewable energy sources, with appropriate possibilities for hedging financial risks against price fluctuations. Member States shall not require that such hedging activity may be limited to trades within a Member State or bidding zone. '	case the forward markets concern financial instruments as defined ~~*under*~~***in*** Article 4(1)***, point (15), of Directive (EU) 2014/65, regulatory authorities***~~*(15), it*~~ may require power exchanges or transmission system operators to implement additional measures, such as market-making activities, to improve the liquidity of the forward market. Subject to compliance with Union competition law and with Directive (EU) 2014/65 and Regulations (EU) ~~*648/2012*~~***No 648/2012*** and 600/2014, market operators shall be free to develop forward hedging products, including long-term forward hedging products, to provide market participants, including owners of power-generating facilities using renewable energy sources, with appropriate possibilities for hedging financial risks against price fluctuations. Member States shall not require that such hedging activity may be limited to trades within a Member State or bidding zone.~~-~~***';*** '	instruments as defined under ~~Article 4(1)~~**point** (15) **of Article 4(1) of Directive 2014/65/EU of the European Parliament and of the Council**[1], it may require power exchanges or transmission system operators to implement additional measures, such as market-making activities, to improve the liquidity of the forward market. ~~Subject to compliance with Union competition law and with Directive (EU) 2014/65 and Regulations (EU) 648/2012 and 600/2014, market operators shall be free to develop forward hedging products, including long-term forward hedging products, to provide market participants, including owners of power-generating facilities using renewable energy sources, with appropriate possibilities for hedging financial risks against price fluctuations. Member States shall not require that such hedging activity may be limited to trades within a Member State or bidding zone.~~ 1. **Directive 2014/65/EU of the**	~~*Article 4(1)*~~***point*** (15)***of Article 4(1) of Directive 2014/65/EU of the European Parliament and of the Council***[1], it may require power exchanges or transmission system operators to implement additional measures, such as market-making activities, to improve the liquidity of the forward market. ~~*Subject to compliance with Union competition law and with Directive (EU) 2014/65 and Regulations (EU) 648/2012 and 600/2014, market operators shall be free to develop forward hedging products, including long-term forward hedging products, to provide market participants, including owners of power-generating facilities using renewable energy sources, with appropriate possibilities for hedging financial risks against price fluctuations. Member States shall not require that such hedging activity may be limited to trades within a Member State or bidding zone.*~~

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349).	
130a			**6. Subject to compliance with Union competition law and with Directive (EU) 2014/65 and Regulations (EU) 648/2012 of the European Parliament and of the Council[1] and 600/2014 of the European Parliament and of the Council[2], market operators may develop forward hedging products, including long-term forward hedging products, to provide market participants, including owners of power-generating facilities using renewable energy sources, with appropriate possibilities for hedging financial risks against price fluctuations. Member States shall not require that such hedging activity may be limited to trades within a Member State or bidding zone.**	***9. Subject to compliance with Union competition law and with Directive (EU) 2014/65 and Regulations (EU) 648/2012 of the European Parliament and of the Council and 600/2014 of the European Parliament and of the Council, market operators may develop forward hedging products, including long-term forward hedging products, to provide market participants, including owners of power-generating facilities using renewable energy sources, with appropriate possibilities for hedging financial risks against price fluctuations. Member States shall not require that such hedging activity may be limited to trades within a Member State or bidding zone.*** '

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
				1. Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (OJ L 201, 27.7.2012, p. 1). **2. Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 (OJ L 173, 12.6.2014, p. 84)**		
G	207	(13) in Article 59 (1), point (b) is replaced by the following:	(13) in Article 59 (1), point (b) is replaced by the following:	(13) in Article 59 (1), point (b) is replaced by the following:	.(13) in Article 59 (1), point (b) is replaced by the following:	G
Y	208	" (b) , capacity-allocation and congestion- management rules pursuant to Article 6 of Directive (EU) 2019/944 and Articles 7 to 10, 13 to 17, 19 and 35 to 37 of this Regulation, including rules on day-ahead, intraday and forward capacity calculation methodologies and processes, grid models, bidding zone configuration, redispatching	" (b) ~~,~~capacity-allocation and congestion- management rules pursuant to Article 6 of Directive (EU) 2019/944 and Articles 7 to 10, 13 to 17, 19 and 35 to 37 of this Regulation, including rules on day-ahead, intraday and forward capacity calculation methodologies and processes, grid models, bidding zone configuration, redispatching and	" (b) ~~,~~capacity-allocation and congestion- management rules pursuant to Article 6 of Directive (EU) 2019/944 and Articles 7 to 10, 13 to 17, 19 and 35 to 37 of this Regulation, including rules on day-ahead, intraday and forward capacity calculation methodologies and processes, grid models, bidding zone configuration, redispatching and	" (b) ~~,~~capacity-allocation and congestion- management rules pursuant to Article 6 of Directive (EU) 2019/944 and Articles 7 to 10, 13 to 17, 19 and 35 to 37 of this Regulation, including rules on day-ahead, intraday and forward capacity calculation methodologies and processes, grid models, bidding zone configuration, redispatching and countertrading, trading	Y

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	and countertrading, trading algorithms, single day-ahead and intraday coupling including the possibility of being operated by a single entity, the firmness of allocated cross-zonal capacity, congestion income distribution, the allocation of financial long-term transmission rights by the single allocation platform, cross-zonal transmission risk hedging, nomination procedures, and capacity allocation and congestion management cost recovery;; ”	countertrading, trading algorithms, single day-ahead and intraday coupling ~~*including the possibility of being operated by a single entity*~~, the firmness of allocated cross-zonal capacity, congestion income distribution, the allocation of financial long-term transmission rights by the single allocation platform, cross-zonal transmission risk hedging, nomination procedures, and capacity allocation and congestion management cost recovery;*’*; ”	countertrading, trading algorithms, single day-ahead and intraday coupling including the possibility of being operated by a single entity, the firmness of allocated cross-zonal capacity, congestion income distribution, the **regional virtual hubs for the forward market, the** allocation **and facilitation of trading** of financial long-term transmission rights by the single allocation platform, cross-zonal transmission risk hedging, nomination procedures, and capacity allocation and congestion management cost recovery;;” ”	algorithms, single day-ahead and intraday coupling, ***[different governance options],*** ~~*including the possibility of being operated by a single entity,*~~ the firmness of allocated cross-zonal capacity, congestion income distribution, ***the details and specific features of the tools referred to in Article 9(3) by reference to the elements specified in paragraphs (4) and (5) thereof***, the allocation ***and facilitation of trading*** of financial long-term transmission rights by the single allocation platform ***as well as the frequency, maturity and specific nature of such long-term transmission rights***, cross-zonal transmission risk hedging, nomination procedures, and capacity allocation and congestion management cost recovery***, and methodology for compensating offshore renewable electricity plant operators for capacity reductions;*** ’
208a		***(13a) in Article 59(2), point (a) is replaced by the following:***		***(13a) in Article 59(2), point (a) is replaced by the following:***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
208 b		" ***(a) network connection rules including rules on the connection of transmission-connected demand facilities, transmission-connected distribution facilities and distribution systems, connection of demand units used to provide demand response, requirements for grid connection of generators and other system users, requirements for high-voltage direct current grid connection, requirements for direct current-connected power park modules and remote-end high-voltage direct current converter stations, and operational notification procedures for grid connection;';***		' (a) network connection rules including rules on the connection of transmission-connected demand facilities, transmission-connected distribution facilities and distribution systems, connection of demand units used to provide demand response, requirements for grid connection of generators ***and other system users***, requirements for high-voltage direct current grid connection, requirements for direct current-connected power park modules and remote-end high-voltage direct current converter stations, and operational notification procedures for grid connection;' '

Articles 18 & 19 in Electricity Regulation 2019/943

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
Y	83a		***79a. 'power control system' or 'PCS' means a system or device which electronically limits or controls the steady state alternating currents, or direct currents, to a programmable limit or level;***		CSL don't see the need to have it LS we need to split definitions Dir/Reg EP to discuss internally but flexible in principle as long as it stays in article	Y
Y	83b		***79b. 'flexible connection agreement' means a set of predetermined rules and requirements for expeditiously interconnecting electrical capacity to the grid, that includes an agreement to limit and control the import and export of electricity from and to the transmission and distribution network;***		***79b. 'flexible connection agreement' means a set of agreed conditions for connecting electrical capacity to the grid, that includes conditions to limit and control the electricity injection to and withdrawal from the transmission or distribution network;***	Y

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
	Article 1, first paragraph, point (7)					
G	131	(7) Article 18 is amended as	(7) Article 18 is amended as	(7) Article 18 is amended as	(7) Article 18 is amended as	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	follows:	follows:	follows:	follows:
Article 1, first paragraph, point (7)(a)				
132	(a) paragraph 2 is replaced by the following:	(a) paragraph 2 is replaced by the following:	(a) paragraph 2 is replaced by the following:	(a) paragraph 2 is replaced by the following:
Article 1, first paragraph, point (7)(a), amending provision, numbered paragraph (2)				
133	" 2. Tariff methodologies shall reflect the fixed costs of transmission system operators and distribution system operators and shall consider both capital and operational expenditure to provide appropriate incentives to transmission system operators and distribution system operators over both the short and long run, including anticipatory investments, in order to increase efficiencies, including energy efficiency, to foster market integration and security of supply, to support the use of flexibility services, efficient investments including solutions to optimise the existing grid and facilitate demand response and related research activities, and to facilitate innovation in the interest of consumers in areas such as	" 2. Tariff methodologies shall reflect the fixed costs of transmission system operators and distribution system operators ~~and~~***,*** shall consider both capital and operational expenditure***, or an efficient combination of both,*** to provide appropriate incentives to transmission system operators and distribution system operators over both the short and long run, including anticipatory investments, in order ***to invest in network infrastructure reinforcement to facilitate the energy transition and in the additional physical and digital network elements needed to reach the objectives set out in the national energy and climate plans, and at the same time*** to increase efficiencies, including energy efficiency, to foster market	" 2. Tariff methodologies shall reflect the fixed costs of transmission system operators and distribution system operators and shall consider both capital and operational expenditure to provide appropriate incentives to transmission system operators and distribution system operators over both the short and long run, including anticipatory investments, in order to increase efficiencies, including energy efficiency, to foster market integration, **the integration of renewable energy** and security of supply, to support the use of flexibility services, efficient **and timely** investments including solutions to optimise the existing grid and facilitate **non-fossil flexibility, including** demand response and **energy**	" 2. Tariff methodologies shall reflect the fixed costs of transmission system operators and distribution system operators and shall consider both capital and operational expenditure to provide appropriate incentives to transmission system operators and distribution system operators over both the short and long run, including anticipatory investments, in order to increase efficiencies~~,~~ including energy efficiency~~, to~~***;*** foster market ***integration, the*** integration ***of renewable energy*** and security of supply~~, to~~***;*** support the use of flexibility services, ***enable the use of flexible connections; promote*** efficient ***and timely*** investments***,*** including solutions to optimise the existing grid***; facilitate energy storage,*** ~~and~~

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	digitalisation, flexibility services and interconnection; ”	integration*__, renewable energy production capacity__* and security of supply, to support the use of flexibility services, *__to enable the use of flexible connection arrangements,__* efficient *__and timely__* investments*__,__* including solutions to optimise the existing grid and *__to ensure the development of a smart grid and__* facilitate *__energy storage,__* demand response and related research activities, *__to reduce environmental impact, to promote acceptance,__* and to facilitate innovation in the interest of consumers in areas such as digitalisation, flexibility services and interconnection*__, in particular to develop the required infrastructure to reach the minimum 15 % electricity interconnection target for 2030 laid down in Article 4, point (d)(1), of Regulation (EU) 2018/1999.__* *__The regulatory authorities, in cooperation with transmission and distribution system operators, including other relevant stakeholders, shall develop a framework to assess whether transmission and distribution system operators adequately consider in their network__*	**storage,** related research activities, and to facilitate innovation in the interest of consumers in areas such as digitalisation, flexibility services and interconnection”; ”	~~facilitate~~ demand response and related research activities~~, and to~~ *__; contribute to the achievements of the objectives set out in the national energy and climate plans, to reduce environmental impact and promote acceptance; and__* facilitate innovation in the interest of consumers in areas such as digitalisation, flexibility services and interconnection*__, in particular to develop the required infrastructure to reach the minimum electricity interconnection target for 2030 laid down in Article 4, point (d)(1), of Regulation (EU) 2018/1999__*; ’

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		development plans all types of anticipatory investments, such as investments for the development of grids linked to renewables acceleration areas, electric vehicle charging infrastructure or heat pump deployment, and adequate cost-benefit analysis methodology for assessing the impact of such investments.'; ”		
Article 1, first paragraph, point (7)(aa)				
133a		***(aa) paragraph 3 is replaced by the following:***		***(aa) paragraph 3 is replaced by the following:*** Text Origin: EP Mandate
Article 1, first paragraph, point (7)(aa), amending provision, first paragraph				
133b		" ***3. Where appropriate, the level of the tariffs applied to producers or final customers, or both shall provide locational investment signals, such as incentives via tariff structure, to reduce re-dispatching and power grid reinforcement costs, at Union level, and take into account the amount of network losses and***		‘ Where appropriate, the level of the tariffs applied to producers or final customers, or both shall provide locational investment signals at Union level, ***such as incentives via tariff structure to reduce re-dispatching and power grid reinforcement costs,*** and take into account the amount of network losses and congestion caused, and

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		congestion caused, and investment costs for infrastructure.'; "		investment costs for infrastructure.'; '
Article 1, first paragraph, point (7)(b)				
134	(b) paragraph 8 is replaced by the following:	(b) paragraph 8 is replaced by the following:	(b) paragraph 8 is replaced by the following:	(b) paragraph 8 is replaced by the following:
Article 1, first paragraph, point (7)(b), amending provision, numbered paragraph (8)				
135	" 8. Transmission and distribution tariff methodologies shall provide incentives to transmission and distribution system operators for the most cost-efficient operation and development of their networks including through the procurement of services. For that purpose, regulatory authorities shall recognise relevant costs as eligible, shall include those costs in transmission and distribution tariffs, and shall introduce performance targets in order to provide incentives to transmission and distribution system operators to increase efficiencies in their networks, including through energy efficiency, the use of flexibility services and the development of	" 8. Transmission and distribution tariff methodologies shall provide incentives to transmission and distribution system operators for the most cost-efficient operation and development of their networks including through the procurement of services. For that purpose, regulatory authorities shall recognise relevant costs as eligible, ***including those related to anticipatory investments,*** shall include those costs in transmission and distribution tariffs, and***, where applicable,*** shall introduce performance targets in order to provide incentives to transmission and distribution system operators to increase ~~efficiencies~~***overall system efficiency, quality and***	" 8. Transmission and distribution tariff methodologies shall provide incentives to transmission and distribution system operators for the most cost-efficient operation and development of their networks including through the procurement of services. For that purpose, regulatory authorities shall recognise relevant costs as eligible, shall include those costs in transmission and distribution tariffs, and shall **where appropriate,** introduce performance targets in order to provide incentives to transmission and distribution system operators to increase efficiencies in their networks, including through energy efficiency, the use of flexibility	" 8. Transmission and distribution tariff methodologies shall provide incentives to transmission and distribution system operators for the most cost-efficient operation and development of their networks including through the procurement of services. For that purpose, regulatory authorities shall recognise relevant costs as eligible, ***including costs related to anticipatory investments,*** shall include those costs in transmission and distribution tariffs, and shall***, where appropriate,*** introduce performance targets in order to provide incentives to transmission and distribution system operators to increase ~~efficiencies~~***overall system efficiency*** in their networks,

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	smart grids and intelligent metering systems. ”	***security of supply*** in their networks, including through energy efficiency ***by applying the energy efficiency first principle as defined in Article 2, point (18), of Regulation (EU) 2018/1999***, the use of flexibility ***and demand response*** services and the development of smart grids and intelligent metering systems ***in accordance with the features of the given electricity system and climate policy objectives***.	services and the development of smart grids and intelligent metering systems. ”	including through energy efficiency, the use of flexibility services and the development of smart grids and intelligent metering systems.
Article 1, first paragraph, point (7)(b), amending provision, numbered paragraph (8a)				
135a		***8a. Transmission and distribution system operators shall offer the possibility of establishing flexible connection agreements in those areas where there is limited or no network capacity availability for new connections, which shall be published in accordance with Article 50(4a), first subparagraph, of this Regulation and Article 31(3) of Directive (EU) 2019/944. Such flexible connection agreements shall specify the following:*** ***(a) the maximum firm import and export of electricity from and to the grid, as well as the***		***New Article 6a in Electricity Directive 2019/944*** ***6a. Flexible connection agreements*** ***1. The regulatory authority, or other competent authority where Member States has so provided, shall develop a framework for transmission system operators and distribution system operators to offer the possibility of establishing flexible connection agreements in those areas where there is limited or no network capacity availability for new connections, which shall***

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		additional flexible import and export capacity that can be connected and differentiated by time blocks throughout the year; ***(b) the network charges applicable to both the firm and flexible import and export capacities;*** ***(c) the probabilities of curtailment if the maximum firm capacity is exceeded;*** ***(d) the agreed duration of the flexible connection agreement and the agreed date for granting connection to the entire requested firm capacity.*** ***The system user requesting a flexible grid connection shall be requested to install a power control system that is certified by a national standardisation body. Regulatory authorities shall ensure that flexible connection agreements are not used as a permanent alternative and thus do not delay approved network reinforcement in the identified areas.';*** "		***be published in accordance with Article 31(3) and Article 50(4a), first subparagraph, of Regulation (EU) [2019/943]. This framework shall ensure that: as a general rule, flexible connections do not delay the network reinforcements in the identified areas; a conversion from flexible to firm connection agreements once the network is developed is ensured based on established criteria; and, for areas where the regulatory authority, or other competent authority where Member States has so provided, deems network development not to be the most efficient solution, enable where relevant flexible connection agreements as a permanent solution, including for energy storage.*** ***2. The framework may ensure that flexible connection agreements in accordance with Article 6a(1) specify at least the following:*** ***(a) The maximum firm injection and withdrawal of electricity from and to the grid, as well as the additional flexible injection and withdrawal capacity that can be connected and differentiated by***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				time blocks throughout the year; ***(b) The network charges applicable to both the firm and flexible injection and withdrawal capacities;*** ***(c) The agreed duration of the flexible connection agreement and the expected date for granting connection to the entire requested firm capacity.*** ***The system user connecting through a flexible grid connection shall be required to install a power control system that is certified by an authorised certifier.*** ’
Article 1, first paragraph, point (7)(c)				
136	(c) in paragraph 9, point (f) is replaced by the following:	(c) in paragraph 9, point (f) is replaced by the following:	(c) in paragraph 9, point (f) is replaced by the following:	(c) in paragraph 9, point (f) is replaced by the following:
Article 1, first paragraph, point (7)(c), amending provision, first paragraph				
137	‘ (f) methods to ensure transparency in the setting and structure of tariffs, including anticipatory investments; ’	‘ (f) methods to ensure transparency in the setting and structure of tariffs, including anticipatory investments ***determined in close consultation with relevant stakeholders, including from***	‘ (f) methods to ensure transparency in the setting and structure of tariffs, including anticipatory investments; ’	‘ (f) methods to ensure transparency in the setting and structure of tariffs, including anticipatory investments ***determined after consultation to relevant stakeholders, consistent with***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		transport and heating and cooling sector, in line with the relevant Union and national energy objectives, and take into account the acceleration areas as defined in Article 2, point (9a), of Directive (EU) 2018/2001;'; ’		***relevant Union and national energy objectives and taking into account the acceleration areas as established in accordance with the Directive (EU) 2018/2001 on the promotion of renewable energy sources***; ’
Article 1, first paragraph, point (7)(d)				
138	(d) in paragraph 9, the following point (i) is added:	(d) in paragraph 9, the following point (i) is added:	(d) in paragraph 9, the following point ~~(i)~~ is added:	(d) in paragraph 9, the following point ~~*(i)*~~ is added:
Article 1, first paragraph, point (7)(d), amending provision, first paragraph				
139	‘ (i) incentives for efficient investments in networks, including on flexibility resources and flexible connection agreements. ’	‘ (i) incentives for efficient investments in networks, including on ~~*flexibility*~~***flexible*** resources and flexible connection agreements.***';*** ’	‘ (i) incentives for efficient investments in networks, including on flexibility resources and flexible connection agreements. ’	‘ (i) incentives for efficient investments in networks, including ~~*on flexibility resources*~~***resources providing flexibility*** and flexible connection agreements.
Article 1, first paragraph, point (8)				
140	(8) in Article 19, paragraph 2 is amended as follows:	(8) in Article 19, paragraph 2 is amended as follows:	(8) in Article 19, paragraph 2 is amended as follows:	(8) in Article 19, paragraph 2 is amended as follows:
Article 1, first paragraph, point (8)(a)				

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141	(a) point (b) is replaced by the following:	(a) point (b) is replaced by the following:	(a) point (b) is replaced by the following:	(a) point (b) is replaced by the following:
Article 1, first paragraph, point (8)(a), amending provision, first paragraph				
142	‘ (b) maintaining or increasing cross-zonal capacities through optimisation of the usage of existing interconnectors by means of coordinated remedial actions, where applicable, or covering costs resulting from network investments that are relevant to reduce interconnector congestion; or ’	‘ (b) ~~maintaining or~~***maximising and*** increasing cross-zonal capacities through optimisation of the usage of existing interconnectors by means of coordinated remedial actions, where applicable, or covering costs resulting from network investments that are relevant to reduce interconnector congestion; or***’;*** ’	‘ (b) maintaining or increasing cross-zonal capacities through optimisation of the usage of existing interconnectors by means of coordinated remedial actions, where applicable, or covering costs resulting from network investments that are relevant to reduce interconnector congestion; or ’	‘ (b) maintaining or increasing cross-zonal capacities through optimisation of the usage of existing interconnectors by means of coordinated remedial actions, where applicable, or covering costs resulting from network investments that are relevant to reduce interconnector congestion; or***’;*** ’ 2
Article 1, first paragraph, point (8)(b)				
143	(b) the following point (c) is added:	(b) the following point (c) is added:	(b) the following point ~~(c)~~ is added:	(b) the following point ~~(c)~~ is added:
Article 1, first paragraph, point (8)(b), amending provision, first paragraph				
144	‘ (c) compensating offshore generation plant operators in an offshore bidding zone if access to interconnected markets has been	‘ (c) ~~compensating offshore generation plant operators in an~~***as part of the permitting process and following a coordinated decision***	‘ (c) compensating offshore **renewable electricity** generation plant operators in an offshore bidding zone **directly connected**	***c) compensating offshore renewable electricity generation plant operators in an offshore bidding zone directly connected to two or more bidding zones if***

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	reduced in such a way that one or more transmission system operators have not made enough capacity available on the interconnector or the critical network elements affecting the capacity of the interconnector, resulting in the offshore plant operator not being able to export its electricity generation capability to the market. ’	***taken by the Member States concerned, on the implementation of*** offshore bidding ~~*zone if access to interconnected markets has been reduced in such a way that one or more transmission system operators have not made*~~***zones and on the design of the support mechanism, contributing to the partial compensation to offshore renewable generators in an offshore bidding zone where there is not*** enough capacity available on the interconnector ***as agreed in the connection agreement or in***~~*or the*~~ critical network elements affecting the capacity of the interconnector, ~~*resulting in*~~ ***pursuant to capacity calculation rules laid down in Article 16 (3), (8) and (9), leading to the simultaneous loss of revenue of*** the offshore ~~*plant operator not being able to export its electricity generation capability to the*~~ ***renewable generator and an excess revenue on the interconnector, provided that any consumption in the bidding zone is not a co-driver of the price formation; only the excess interconnector revenue shall be used for the compensation of offshore renewable generators. On an annual basis, the total***	**to two or more bidding zones** if access to interconnected markets has been reduced in such a way that **it results in the offshore renewable electricity plant operator not being able to export its electricity generation capability to the market and, where relevant, a corresponding price decrease in the offshore bidding zone, as compared to without capacity reductions. The compensation applies where** one or more transmission system operators have not made ~~enough~~**available the** capacity ~~available~~**agreed in the connection agreement** on the interconnector or **have not made available the capacity on** the critical network elements ~~affecting~~**pursuant to** the capacity **calculation rules in Article 16 (8) of Regulation (EU) 2019/943. On an annual basis, this compensation shall not exceed the total congestion income generated on interconnectors between the concerned bidding zones**~~of the interconnector, resulting in the offshore plant operator not being able to export its electricity generation capability to the market.~~’	***access to interconnected markets has been reduced in such a way that it results in the offshore renewable electricity plant operator not being able to export its electricity generation capability to the market and, where relevant, a corresponding price decrease in the offshore bidding zone, as compared to without capacity reductions. The compensation applies where, in the validated capacity calculation results, one or more transmission system operators either have not made available the capacity agreed in connection agreement on the interconnector or have not made available the capacity on the critical network elements pursuant to the capacity calculation rules in Article 16(8), or both. The transmission system operators which are responsible for the reduction of access to interconnected markets shall be responsible for the compensation to offshore renewable electricity generation plant operators. On an annual basis, this compensation shall not exceed the total congestion income generated on interconnectors between the concerned bidding zones.***

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		compensation of all generators in the concerned bidding zone shall not exceed the total congestion income generated on interconnectors between the offshore bidding zone and neighbouring bidding zones concerned during the specific market ***settlement periods where such compensation applies***. ***By 31 December 2024, the Commission shall amend Regulation (EU) 2015/1222 in accordance with Article 59 of this Regulation as regards the implementation details of the partial compensation, outlining a methodology for calculation of the partial compensation and including the conditions under which the measure may expire.';*** '	'	***+ METHODOLOGY FOR COMPENSATION IN ART. 59.1.b) +ADDITION OF RECITALS AND INCLUSION OF***

PPAs: ARTICLES 19a, 19ab in Electricity Regulation 2019/943

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
Y	81	(77) 'power purchase agreement' or 'PPA' means a contract under which a natural or legal person agrees to purchase electricity from an electricity producer on a market basis;	(77) 'power purchase agreement' or 'PPA' means a contract under which a natural or legal person agrees to purchase electricity from an electricity producer ~~on a market basis~~;	(77) 'power purchase agreement' or 'PPA' means a contract under which a natural or legal person agrees to purchase electricity from an electricity producer on a market basis;	(77) 'power purchase agreement' or 'PPA' means a contract under which a natural or legal person agrees to purchase electricity from an electricity producer on a market basis;	Y

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
	Article 1, first paragraph, point (9)					
G	145	(9) The following chapter IIIa is inserted:	(9) The following chapter IIIa is inserted:	(9) The following chapter ~~IIIa~~ is inserted:		G
	Article 1, first paragraph, point (9), amending provision, first paragraph					
G	146	' Chapter IIIa	' Chapter IIIa	' Chapter IIIa	' Chapter IIIa	G
	Article 1, first paragraph, point (9), amending provision, second paragraph					
G	147					G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Specific investment incentives to achieve the Union's decarbonisation objectives	Specific investment incentives to achieve the Union's decarbonisation objectives	Specific investment incentives to achieve the Union's decarbonisation objectives	Specific investment incentives to achieve the Union's decarbonisation objectives
Article 1, first paragraph, point (9), amending provision, third paragraph				
148	Article 19a	Article 19a	Article 19a	Article 19a
Article 1, first paragraph, point (9), amending provision, fourth paragraph				
149	Power purchase agreements	Power purchase agreements	Power purchase agreements	Power purchase agreements
Article 1, first paragraph, point (9), amending provision, numbered paragraph (1)				
150	1. Member States shall facilitate power purchase agreements ('PPAs') with a view to reaching the objectives set out in their integrated national energy and climate plan with respect to the dimension decarbonisation referred to in point (a) of Article 4 of Regulation (EU) 2018/1999, while preserving competitive and liquid electricity markets.	1. Member States shall ***remove barriers and*** facilitate power purchase agreements ('PPAs')***, in particular renewables power purchase agreements*** with a view to reaching the objectives set out in their integrated national energy and climate plan with respect to the dimension decarbonisation referred to in ***Article 4,*** point (a) ~~of Article 4~~***,*** of Regulation (EU) 2018/1999, ***and to ensure more predictable electricity prices*** while preserving competitive and liquid electricity markets. ***In order to ensure the removal of barriers to PPAs, the Commission may draw up specific***	1. **Without prejudice to Directive (EU) 2018/2001,** Member States shall **promote the uptake of** ~~facilitate~~ power purchase agreements ('PPAs'), **including by removing unjustified barriers and disproportionate or discriminatory procedures or charges,** with a view to **providing price predictability and** reaching the objectives set out in their integrated national energy and climate plan with respect to the **decarbonisation** dimension ~~decarbonisation~~ referred to in point (a) of Article 4 of Regulation (EU)	1. ***Without prejudice to Directive (EU) 2018/2001 on the promotion of the use of energy from renewable sources,*** Member States shall ***promote the uptake of*** power purchase agreements ~~-~~('PPAs')***,*** ***[OPTION A: such as renewables power purchase agreements] including by removing unjustified barriers and disproportionate or discriminatory procedures or charges,*** with a view to ***providing price predictability and*** ~~-~~reaching the objectives set out in their integrated national energy and climate plan with respect to the ***decarbonisation*** dimension

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		guidance on how to alleviate administrative obligations and accounting complexities related to PPAs.	2018/1999, while preserving competitive and liquid electricity markets.	referred to in point (a) of Article 4 of Regulation (EU) 2018/1999, ***[OPTION B: including with respect to renewable energy],*** while preserving competitive and liquid electricity markets.
Article 1, first paragraph, point (9), amending provision, numbered paragraph (1a)				
150a		***1a. By 31 December 2024, the Commission, in cooperation with NEMOs, shall establish a market platform for PPAs, to be used on a voluntary basis, including the optional standardised PPAs referred to in Article 19ab, while avoiding that such trade lowers liquidity in existing electricity markets. The platform shall facilitate the pooling of demand for PPAs through aggregation.***		***1a. When carrying out the revision of this Regulation according to article 69, the Commission, in consultation with relevant stakeholders, shall assess the potential and viability of one or several EU market platforms for PPAs, to be used on a voluntary basis, including the interplay of these potential platforms with other existing electricity market platforms and the pooling of demand for PPAs through aggregation.*** + Addition of a new par. in Article 69(2) of Regulation 2019/943 (line 208e): ***(e) in line with Article 19a, the potential and viability of the establishment of one or several EU market platforms for PPAs, to***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				be used on a voluntary basis, including the interplay of these potential platforms with other electricity market platforms and the pooling of demand for PPAs through aggregation.
Article 1, first paragraph, point (9), amending provision, numbered paragraph (2)				
151	2. Member States shall ensure that instruments such as guarantee schemes at market prices, to reduce the financial risks associated to off-taker payment default in the framework of PPAs are in place and accessible to customers that face entry barriers to the PPA market and are not in financial difficulty in line with Articles 107 and 108 TFEU. For this purpose, Member States shall take into account Union-level instruments. Member States shall determine what categories of customers are targeted by these instruments, applying non-discriminatory criteria.	2. Member States ~~*shall ensure that instruments such as guarantee schemes at market prices,*~~***in a coordinated manner and where appropriate with the support of the European Investment Bank ('EIB') or other Union-level facilities shall ensure that instruments*** to reduce the financial risks associated to off-taker payment default in the framework of PPAs are in place and accessible to customers that face entry barriers to the PPA market and are not in financial difficulty in line with Articles 107 and 108 TFEU. ***Such instruments shall facilitate the pooling of demand for PPAs and may include, inter alia, guarantee schemes at market prices or private guarantees in compliance with relevant Union law. For that***~~*For this*~~ purpose,	2. Member States shall ensure that instruments ~~such as guarantee schemes at market prices,~~ to reduce the financial risks associated to off-taker payment default in the framework of PPAs are in place and accessible to customers that face entry barriers to the PPA market and are not in financial difficulty**. Such instruments may include, but are not limited to, state-backed guarantee schemes at market prices, private guarantees, or facilities pooling demand for PPAs, in compliance with relevant Union law** ~~in line with Articles 107 and 108 TFEU~~. For this purpose, Member States ~~shall~~**may** take into account **relevant** Union-level ~~instruments~~**facilities**. Member States ~~shall~~**may** determine what	2. Member States ***in a coordinated manner*** shall ensure that instruments such as guarantee schemes at market prices,~~-~~ to reduce the financial risks associated to off-taker payment default in the framework of PPAs are in place and accessible to customers that face entry barriers to the PPA market and are not in financial difficulty***. Such instruments may include, but are not limited to, state-backed guarantee schemes at market prices, private guarantees, or facilities pooling demand for PPAs, in compliance with relevant Union law***~~*in line with Articles 107 and 108 TFEU*~~. For this purpose, Member States shall ~~*take into account*~~***ensure appropriate coordination, including with relevant [***Union-level

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		Member States shall take into account Union-level instruments. Member States shall determine what categories of customers are targeted by these instruments, applying non-discriminatory criteria ***among each category of customers, in particular, microenterprises, SMEs, households, including via aggregators, renewable energy communities, citizen energy communities and suppliers with no generation assets***.	categories of customers are targeted by these instruments, applying non-discriminatory criteria.	~~*instruments*~~***facilities]***. Member States ~~*shall*~~***may*** determine what categories of customers are targeted by these instruments, applying non-discriminatory criteria ~~***to the different***~~ ***among and within the categories of customers***. ***+ ADDITION OF A RECITAL WITH REFERENCE TO EIB.***
Article 1, first paragraph, point (9), amending provision, numbered paragraph (3)				
152	3. Guarantee schemes for PPAs backed by the Member States shall include provisions to avoid lowering the liquidity in electricity markets and shall not provide support to the purchase of generation from fossil fuels.	3. Guarantee schemes for PPAs backed by the Member States***, the EIB or other Union-level facilities*** shall include provisions to avoid lowering the liquidity in electricity markets ~~*and*~~***,*** shall not provide support to the purchase of generation from fossil fuels ***and shall not prevent the subjected generators to participate in balancing and ancillary services markets. Where conditions allow, those guarantee schemes shall exclusively support the purchase of new renewable generation***.	3. **Without prejudice to Articles 107 and 108 TFEU, if a** guarantee ~~schemes~~**scheme** for PPAs **is** backed by the Member ~~States~~**State it** shall include provisions to avoid lowering the liquidity in electricity markets and shall not provide support to the purchase of generation from fossil fuels.	3. ***Without prejudice to Articles 107 and 108 TFEU, if a*** guarantee ~~*schemes*~~***scheme*** for PPAs ***is*** backed by the Member ~~*States*~~***State, it*** shall include provisions to avoid lowering the liquidity in electricity markets and shall not provide support to the purchase of generation from fossil fuels. ***[Where the market for renewables PPAs is not sufficiently developed, those guarantee schemes may exclusively support the purchase of new renewable generation, according to the Member State's decarbonisation policies.]***

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Article 1, first paragraph, point (9), amending provision, numbered paragraph (4)				
153	4. In the design of the support schemes for electricity from renewable sources, Member States shall allow the participation of projects which reserve part of the electricity for sale through a PPA or other market-based arrangements and endeavour to make use of evaluation criteria to incentivise the access to the PPA market for customers that face entry barriers. In particular, such evaluation criteria may give preference to bidders presenting a signed PPA or a commitment to sign a PPA for part of the project's generation from one or several potential buyers that face entry barriers to the PPA market.	4. ~~*In the design of the*~~ Support schemes for electricity from renewable sources, ~~*Member States*~~ shall allow the participation of projects which reserve part of the electricity for sale through a ***renewables*** PPA or other market-based arrangements***, provided that the two parties*** ~~*and endeavour to make use of evaluation criteria to incentivise the access*~~ to the PPA ~~*market for customers that face entry barriers. In particular, such evaluation criteria may give preference to bidders presenting a signed PPA or a commitment to sign a PPA for part of the project's generation from one or several potential buyers that face entry barriers to the PPA market*~~***are not controlled by the same entity unless the buyer acts as an aggregator of customers that face entry barriers to the PPA market, and provided that double commitment of the same capacity is avoided***.	4. ~~In the design of the~~ Support schemes for electricity from renewable sources~~, Member States~~ shall allow the participation of projects which reserve part of the electricity for sale through a PPA or other market-based arrangements ~~and endeavour to make use of evaluation criteria to incentivise the access to the PPA market for customers that face entry barriers. In particular, such evaluation criteria may give preference to bidders presenting a signed PPA or a commitment to sign a PPA for part of the project's generation from one or several potential buyers that face entry barriers to the PPA market~~.	4. ~~*In the design of the*~~ Support schemes for electricity from renewable sources, ~~*Member States*~~ shall allow the participation of projects which reserve part of the electricity for sale through ~~*a*~~ ***renewable*** PPA or other market-based arrangements ~~*and endeavour to make use of evaluation criteria to incentivise the access to the PPA market for customers that face entry barriers. In particular, such evaluation criteria may give preference to bidders presenting a signed PPA or a commitment to sign a PPA for part of the project's generation from one or several potential buyers*~~***, provided this does not negatively affect competition in the market, in particular in cases the two parties involved in this PPA are controlled by the same entity.***
Article 1, first paragraph, point (9), amending provision, numbered paragraph (4a)				

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153a		***4a. In the design of such support schemes Member States shall endeavour to make use of evaluation criteria to incentivise bidders to facilitate the access of customers that face entry barriers to the PPA market, provided this does not negatively affect competition in the market.***	**5. In the design of such support schemes Member States shall endeavour to make use of evaluation criteria to incentivise bidders to facilitate the access of customers that face entry barriers to the PPA market, provided this does not negatively affect competition in the market. In particular, such evaluation criteria may give preference to bidders presenting a signed PPA or a commitment to sign a PPA for part of the project's generation from one or several potential buyers that face entry barriers to the PPA market.**	***4a. In the design of such support schemes Member States shall endeavour to make use of evaluation criteria to incentivise bidders to facilitate the access of customers that face entry barriers to the PPA market, provided this does not negatively affect competition in the market.*** **To be moved to a recital:** *In particular, such evaluation criteria may give preference to bidders presenting a signed PPA or a commitment to sign a PPA for part of the project's generation from one or several potential buyers that face entry barriers to the PPA market.*
Article 1, first paragraph, point (9), amending provision, numbered paragraph (5)				
154	5. PPAs shall specify the bidding zone of delivery and the responsibility for securing cross-zonal transmission rights in case of a change of bidding zone in accordance with Article 14.	5. PPAs shall specify the bidding zone of delivery and the responsibility for securing cross-zonal transmission rights in case of a change of bidding zone in accordance with Article 14.	~~5~~**6**. PPAs shall specify the bidding zone of delivery and the responsibility for securing cross-zonal transmission rights in case of a change of bidding zone in accordance with Article 14.	5. PPAs shall specify the bidding zone of delivery and the responsibility for securing cross-zonal transmission rights in case of a change of bidding zone in accordance with Article 14~~.~~
Article 1, first paragraph, point (9), amending provision, numbered paragraph (6)				
155				

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	6. PPAs shall specify the conditions under which customers and producers may exit from PPAs, such as any applicable exit fees and notice periods, in accordance with Union competition law.	6. PPAs shall specify the conditions under which customers and producers may exit from PPAs, such as any applicable exit fees and notice periods, in accordance with Union competition law.	~~6~~7. PPAs shall specify the conditions under which customers and producers may exit from PPAs, such as any applicable exit fees and notice periods, in ~~accordance~~ **compliance** with Union competition law.	6. PPAs shall specify the conditions under which customers and producers may exit from PPAs, such as any applicable exit fees and notice periods, in ~~accordance~~***compliance*** with Union competition law.
Article 1, first paragraph, point (9), amending provision, numbered paragraph (6a)				
155a		***6a. Member States shall ensure that regulatory measures are not revised in a way that alters the terms of, or is detrimental to, PPAs that have been signed before the date of entry into force of the regulatory measure.***		***[6a. Member States shall design measures affecting PPAs in such a way that any legitimate expectations of the parties to PPAs signed before the entry into force of such measures are duly protected].***
Article 1, first paragraph, point (9), amending provision, numbered paragraph (6b)				
155b		***6b. By January 2026 and every two years thereafter, the Commission shall assess whether barriers persist and whether there is sufficient transparency in the PPAs markets.***		***6b. By January 2026 and every two years thereafter, the Commission shall assess whether barriers persist and whether there is sufficient transparency in the PPAs markets.*** ***The Commission may draw up specific guidance on removal of barriers in the PPA markets, including disproportionate or***

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				discriminatory procedures or charges.
Article 1, first paragraph, point (9), amending provision, numbered paragraph (6c)				
155c		***Article 19aa Union PPA database***		
Article 1, first paragraph, point (9), amending provision, numbered paragraph (6d)				
155d		***1. ACER shall establish, maintain, and manage a Union PPA database (the 'Database'). The Database shall function as a digital platform and shall be used to facilitate ACER's and regulatory authorities' monitoring of relevant information on the PPAs signed in the Union. Regulatory authorities may establish similar databases at national level.***		
Article 1, first paragraph, point (9), amending provision, numbered paragraph (6e)				
155e		***2. For the purpose of setting up the Database, market participants entering into PPAs, or persons acting on their behalf,***		

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		shall provide ACER the details of the PPAs. Market participants who have reported records of PPAs in accordance with Regulation (EU) No 1227/2011 and Regulation (EU) No 648/2012 shall not be subject to double reporting obligations relating to those contracts.		
Article 1, first paragraph, point (9), amending provision, numbered paragraph (6f)				
G 155f		***3. On the basis of the information collected, ACER shall publish an annual report on the PPA market at Union and Member State level as part of the monitoring report referred to in Article 15 of Regulation (EU) 2019/942.***		G
Article 1, first paragraph, point (9), amending provision, numbered paragraph (6g)				
G 155g		***4. ACER shall develop the technical and functional specifications of the Database, including the interoperable data exchange mechanism for the information exchange with regulatory authorities' and the format for electronic submissions. ACER shall ensure that the***		G

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		Database is fully operational by ... [12 months after the date of entry into force of this amending Regulation].		
Article 1, first paragraph, point (9), amending provision, numbered paragraph (6h)				
155h		***5. The Commission shall, by means of implementing acts, specify the details, timing and form of reporting. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2).***		
Article 1, first paragraph, point (9), amending provision, numbered paragraph (6i)				
155i		***Article 19ab*** ***Voluntary standardised PPAs***		***Article 19aa*** ***Voluntary standardised PPAs and information on PPAs***
Article 1, first paragraph, point (9), amending provision, numbered paragraph (6j)				
155j		***ACER, together with the NEMOs and, after consulting the relevant stakeholders, shall develop standardised PPAs designed to simplify the procedure and to match the risk profile of customers of different size. The***		***1. ACER shall publish an annual assessment on the PPA market at Union and Member State level as part of the monitoring report referred to in Article 15 of Regulation (EU) 2019/942.***

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		use of those standardised PPAs shall be voluntary for the contracting parties. Standardised PPAs shall have, inter alia, the following characteristics: ***(a) offer a variety of short term contract durations, including of up to five years;*** ***(b offer electricity supply at different timeframes;*** ***(c) provide different price formulas;*** ***(d) consider the load profile required by the customer.*** ***The standardised contracts may also specify the conditions under which customers and producers may exit from PPAs, such as any applicable exit fees and notice periods, in accordance with Union competition law.***		***2. By 3 months after the entry into force of this Regulation, ACER shall assess, in close coordination with the relevant institutions and stakeholders, the need to develop and issue standard contracts for Power Purchase Agreements for voluntary use, adapted to the needs of the different categories of counterparties.*** ***In case the assessment concludes that there is a the need to develop and issue such an standard contracts, ACER together with the NEMOs and, after consulting the relevant stakeholders, shall develop these standard contracts considering the following elements:*** ***- The use of those standard contracts shall be voluntary for the contracting parties.*** ***- Standard contracts shall have, inter alia, the following characteristics:*** ***a) offer a variety of contract durations;*** ***b) provide different price formulas;***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				c) consider the offtaker's load profile and the generator's generation profile. To be considered: Addition of a new par. in article 15(4) of ACER Regulation 2019/942 to reflect new tasks in this article: ***ACER shall, in accordance with Article 19aa of Regulation (EU) 2019/943, issue a report assessing the need to develop and issue standard contracts for Power Purchase Agreements (PPAs) for voluntary use and, if necessary, develop and issue such standard contracts as a best practices report*.**

European Auction Scheme: Article 19ac in Electricity Regulation 2019/943

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
155k		***Article 19ac*** ***European Renewable Energy Auction Scheme***		
155l		***1. Where, on the basis of its assessment of the draft integrated national energy and climate plans pursuant to Article 9 of the Regulation (EU) 2018/1999, the Commission concludes that the contributions of the Member States are insufficient for the achievement of the additional 2,5 % to attain the target of 45 % share of energy from renewable sources in the Union's gross final consumption of energy in 2030 pursuant to Directive (EU) 2018/2001, the Commission shall take additional measures to achieve that target which may include instruments at Union level, such as European wide auctions, in particular additional Union backed guarantees for PPAs as well as***		*Addition of a* ***new recital XX*** ***([XX) Member States shall collectively ensure that the share of energy from renewable sources in the Union's gross final consumption of energy in 2030 is at least 42,5 % and shall collectively endeavour to increase the share of energy from renewable sources in the Union's gross final consumption of energy in 2030 to 45 %.*** ***Within the exercise pursuant to Article 9 of Regulation 2018/1999, the Commission should assess whether the level of ambition of integrated national energy and climate***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		two-way contracts for differences to support the deployment of additional renewable energy capacities corresponding to at least the additional 2,5 % to achieve the Union target of 45 %.		***plans or their updates is sufficient for the collective endeavour of the Member States to increase the share of energy from renewable sources in the Union's gross final consumption of energy in 2030 to 45%. If it is assessed that the level of ambition for this aim is insufficient, the Commission should take further measures at Union level to facilitate the collective endeavour of Member States, including facilitating the development of an European renewable energy auction scheme as an instrument to contribute to the renewable energy projects across the Union.]***
155 m		***2. The additional measures referred to in paragraph 1may include investments into co-located infrastructure or storage to enable the power system integration of the renewable electricity generated.***		

CfDs: Article 19b in Electricity Regulation 2019/943 and amendment in Renewables Directive 2018/2001

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Y 80	(76) 'two-way contract for difference' means a contract signed between a power generating facility operator and a counterpart, usually a public entity, that provides both minimum remuneration protection and a limit to excess remuneration; the contract is designed to preserve incentives for the generating facility to operate and participate efficiently in the electricity markets and complies with the principles set out in Article 4(2) and Article 4(3), first and third subparagraphs, of Directive (EU) 2018/2001;	(76) 'two-way contract for difference' ~~–~~ means a contract signed between a power generating facility operator and a counterpart, usually a public entity, that provides ~~both~~ minimum remuneration protection and a limit to excess remuneration ~~; the contract is designed to preserve incentives for the generating facility to operate and participate efficiently in the electricity markets and complies with the principles set out in Article 4(2) and Article 4(3), first and third subparagraphs, of Directive (EU) 2018/2001~~ ;	(76) 'two-way contract for difference' means a contract signed between a power generating facility operator and a counterpart, usually a public entity, that provides both minimum remuneration protection and a limit to excess remuneration; ~~the contract is designed to preserve incentives for the generating facility to operate and participate efficiently in the electricity markets and complies with the principles set out in Article 4(2) and Article 4(3), first and third subparagraphs, of Directive (EU) 2018/2001;~~	(76) 'two-way contract for difference' means a contract signed between a power generating facility operator and a counterpart, usually a public entity, that provides both minimum remuneration protection and a limit to excess remuneration; ~~the contract is designed to preserve incentives for the generating facility to operate and participate efficiently in the electricity markets and complies with the principles set out in Article 4(2) and Article 4(3), first and third subparagraphs, of Directive (EU) 2018/2001;~~ Y
G 156	Article 19b	Article 19b	Article 19b	Article 19b G
157				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Direct price support schemes for new investments in generation	Direct price support schemes for new investments in ***electricity*** generation	Direct price support schemes **in the form of two-way contracts for difference for**~~for new~~ investments ~~in generation~~	Direct price support schemes **in the form of two-way contracts for difference for**~~for new~~ investments ~~in generation~~
158	1. Direct price support schemes for new investments for the generation of electricity from the sources listed in paragraph 2 shall take the form of a two-way contract for differences. New investments for the generation of electricity shall include investments in new power-generating facilities, investments aimed at repowering existing power-generating facilities, investments aimed at extending existing power-generating facilities or at prolonging their lifetime.	1. Direct price support schemes for new investments for the generation of electricity from the sources listed in paragraph 2 shall take the form of ~~*a two-way contract*~~***two-way contracts*** for differences***, or equivalent schemes achieving the same goals after assessment and approval by the Commission on the equivalence of such schemes. The participation in such schemes shall be voluntary for the market participants. Such schemes shall be allocated through a competitive, open, transparent, non-discriminatory, and cost-effective procedure, in accordance with State aid rules, preventing undue distortions to the efficient functioning of electricity markets and retaining incentives to operate and participate efficiently in the electricity markets***. New investments for the generation of	~~1~~**7a**. Direct price support schemes for **investments in new power-generating facilities**~~new investments~~ for the generation of electricity from the sources listed in paragraph 2 shall take the form of a two-way ~~contract~~**contracts** for differences. ~~New investments for the generation of electricity shall include investments in new power-generating facilities, investments aimed at repowering existing power-generating facilities, investments aimed at extending existing power-generating facilities or at prolonging their lifetime.~~	~~1~~**7a**. Direct price support schemes for **investments in new power-generating facilities**~~new investments~~ for the generation of electricity from the sources listed in paragraph 2 shall take the form of a two-way ~~contract~~**contracts** for differences. ~~New investments for the generation of electricity shall include investments in new power-generating facilities, investments aimed at repowering existing power-generating facilities, investments aimed at extending existing power-generating facilities or at prolonging their lifetime.~~

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		electricity shall include investments in new power-generating facilities~~,~~ ***or*** investments ~~*aimed at repowering*~~***aiming to repower*** existing power-generating facilities~~,~~ ***or*** investments ~~*aimed at extending*~~***aiming to extend*** existing power-generating facilities ~~*or at prolonging their lifetime*~~***if the increase of power generation capacity is substantial***.		
158a		***For the investments aiming to extend existing power-generating facilities, two-way contracts for differences shall be strictly limited to the share of the total power-generation capacity that reflects the costs of the new investment in relation to the total investment costs of the power-generating facility.***	**The first subparagraph shall apply to contracts under direct price support schemes for investments in new generation concluded as of three years after [the date of entry into force of this Regulation]. For offshore hybrid asset projects connected to two or more bidding zones, the transitional period shall be five years after [the date of entry into force of this Regulation].**	**The first subparagraph shall apply to contracts under direct price support schemes for investments in new generation concluded as of three years after [the date of entry into force of this Regulation]. For offshore hybrid asset projects connected to two or more bidding zones, the transitional period shall be five years after [the date of entry into force of this Regulation].**
158b		***The first subparagraph shall***	**The participation of market**	**The participation of market**

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		apply to contracts under direct price support schemes for new investments in generation concluded as of ... [one year after the date of entry into force of this amending Regulation].	**participants in direct price support schemes in the form of two-way contracts for difference shall be voluntary.**	**participants in direct price support schemes in the form of two-way contracts for difference shall be voluntary.**
158c		***Member States shall ensure that the volume and level of two-way contracts for differences not issued as part of a competitive bidding process under the Directive (EU) 2018/2001, do not surpass the level and volume of those issued as part of competitive bidding processes in their respective Member State.***	**1a. All direct price support schemes in the form of two-way contracts for difference shall be designed to:**	**1a. All direct price support schemes in the form of two-way contracts for difference shall be designed to:**
158d			**(a) preserve incentives for the generating facility to operate and participate efficiently in the electricity markets, in particular to reflect market circumstances.**	**(a) preserve incentives for the generating facility to operate and participate efficiently in the electricity markets, in particular to reflect market circumstances.**
158e				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			(b) Prevent any distortive effect of the support scheme on the operation, dispatch and maintenance decisions of the generating facility or on bidding behaviour in day-ahead, intraday, ancillary services and balancing markets;	**(b) Prevent any distortive effect of the support scheme on the operation, dispatch and maintenance decisions of the generating facility or on bidding behaviour in day-ahead, intraday, ancillary services and balancing markets;**
158f			**(c) ensure that the level of the minimum remuneration protection and of the upward limit to excess remuneration are aligned with the cost of the new investment, the market revenues, to guarantee the long-term economic viability of the power generating facility while avoiding overcompensation;**	**(c) ensure that the level of the minimum remuneration protection and of the upward limit to excess remuneration are aligned with the cost of the new investment, the market revenues, to guarantee the long-term economic viability of the power generating facility while avoiding overcompensation;**
158g			**(d) avoid undue distortions to competition and trade in the internal market, notably by determining remuneration amounts through a competitive bidding process that it is open,**	**(d) avoid undue distortions to competition and trade in the internal market, notably by determining remuneration amounts through a competitive bidding process that it is open,**

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			clear, transparent and non-discriminatory. In cases where no competitive bidding process can be conducted, contracts for difference – and the applicable strike prices - shall be designed to ensure that the distribution of revenues to undertakings does not create undue distortions to competition and trade in the internal market.	**clear, transparent and non-discriminatory. In cases where no competitive bidding process can be conducted, contracts for difference – and the applicable strike prices - shall be designed to ensure that the distribution of revenues to undertakings does not create undue distortions to competition and trade in the internal market.**

158h			**(e) Avoid distortions to competition and trade in the internal market. resulting from the distribution of revenues to undertakings.**	**(e) Avoid distortions to competition and trade in the internal market. resulting from the distribution of revenues to undertakings.**

158i			**1b. In the assessment of two-way contracts for difference under Articles 107 and 108 TFEU, the Commission shall ensure compliance with the design principles pursuant to paragraph 1a.**	**1b. In the assessment of two-way contracts for difference under Articles 107 and 108 TFEU, the Commission shall ensure compliance with the design principles pursuant to paragraph 1a.**

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
159	2. Paragraph 1 shall apply to new investments in generation of electricity from the following sources:	2. Paragraph 1 shall apply to new investments in generation of electricity from the following sources:	2. Paragraph 1 shall apply to ~~new~~ investments in **new** generation of electricity from the following sources:	2. Paragraph 1 shall apply to ~~new~~ investments in **new** generation of electricity from the following sources:	
G 160	(a) wind energy;	(a) wind energy;	(a) wind energy;	(a) wind energy;	G
G 161	(b) solar energy;	(b) solar energy;	(b) solar energy;	(b) solar energy;	G
G 162	(c) geothermal energy;	(c) geothermal energy;	(c) geothermal energy;	(c) geothermal energy;	G
G 163	(d) hydropower without reservoir;	(d) hydropower without reservoir;	(d) hydropower without reservoir;	(d) hydropower without reservoir;	G
G 164	(e) nuclear energy;	(e) nuclear energy;	(e) nuclear energy;	(e) nuclear energy;	G
165					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	3. Direct price support schemes in the form of two-way contracts for difference shall:	3. Direct price support schemes ~~*in the form of two-way contracts for difference shall*~~***as referred to in paragraph 1 shall at least***:	3. **The revenues, or the equivalent in financial value of those revenues, arising from** direct price support schemes in the form of two-way contracts for difference **referred to in paragraph 1** shall:	3. **The revenues, or the equivalent in financial value of those revenues, arising from** direct price support schemes in the form of two-way contracts for difference **referred to in paragraph 1** shall:
166	(a) be designed so that the revenues collected when the market price is above the strike price are distributed to all final electricity customers based on their share of consumption (same cost / refund per MWh consumed);	(a) be designed so that the revenues collected when the market price is above the strike price are distributed to ~~*all*~~ final electricity ***customers, with particular attention to vulnerable customers and*** customers ~~*based*~~***affected by or at risk of energy poverty as defined in Article 2, point (52), of Directive [EED]. Member States may also dedicate the revenues to compensate the costs of the support scheme where the market price is below the strike price, or to support investments for the energy transition in distribution grid development, renewable energy sources, electric vehicles charging infrastructure, energy efficiency and storage, or to cover energy-intensive industries at risk***	~~(a)~~ be ~~designed so that~~**distributed to final customers.** **Notwithstanding the requirement in the first subparagraph,** the revenues**, or the equivalent in financial value of those revenues, may also be used to finance the costs of the direct**~~collected when the market price is above the strike~~ price ~~are distributed to all~~**support schemes or investments to reduce electricity costs for** final ~~electricity~~**customers.** **The distribution of revenues to final** customers ~~based on~~**shall be designed to maintain incentives to reduce** their ~~share~~	~~(a)~~ be ~~designed so that~~**distributed to final customers.** **Notwithstanding the requirement in the first subparagraph,** the revenues**, or the equivalent in financial value of those revenues, may also be used to finance the costs of the direct**~~collected when the market price is above the strike~~ price ~~are distributed to all~~**support schemes or investments to reduce electricity costs for** final ~~electricity~~**customers.** **The distribution of revenues to final** customers ~~based on~~**shall be designed to maintain incentives to reduce** their ~~share of consumption (same cost / refund~~

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		of carbon leakage if they demonstrate significant emission reductions through their decarbonisation efforts for reaching climate neutrality, including a transformation plan that sets out key elements on their ***pathway. Revenues distributed to final customers which are energy-intensive undertakings shall cover all undertakings in proportion to their*** share of consumption (same ~~*cost /*~~refund per MWh consumed)***. The revenues shall be distributed in accordance with a fair, transparent and non-discriminatory methodology***;	~~of consumption (same cost / refund per MWh consumed);~~**consumption or shift it to periods when electricity prices are low and not to undermine competition between electricity suppliers.**	~~per MWh consumed);~~**consumption or shift it to periods when electricity prices are low and not to undermine competition between electricity suppliers.**
167	(b) ensure that the distribution of the revenues to final electricity customers is designed so as not to remove the incentives of consumers to reduce their consumption or shift it to periods when electricity prices are low and not to undermine competition between electricity suppliers;	(b) ensure that the distribution of the revenues to final electricity customers is designed so as not to remove the incentives of consumers to reduce their consumption or shift it to periods when electricity prices are low and not to undermine competition between electricity suppliers;	*deleted*	*deleted*
167a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		(ba) take into consideration locational criteria to ensure that new investments for the generation of electricity take place in optimal locations, taking into account congestion conditions and grid development plans;		
167b		***(bb) be designed so that the level of, and the conditions attached to, the support granted to the energy projects are not revised in a way that negatively affects the rights conferred thereunder and undermines the economic viability of projects that already benefit from support. Member States may adjust the level of support in accordance with objective criteria, provided that such criteria are established in the original design of the support scheme;***		
167c		***(bc) include penalty clauses applicable in the case of unilateral early termination of the***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		contract;		
167d		***(bd) not receive support for production in any period in which the market value of that production is negative;***		
167e		***(be) minimise their possible negative impact on the liquidity of forward market and on competition between suppliers;***		
167f		***(bf) be designed to retain the incentives for the generating facility to operate and participate efficiently in the electricity markets, in particular to adjust its production to reflect market circumstances;***		
167g		***(bg) be designed to comply with Article 4(2) and (3), first and***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>third subparagraphs, of Directive (EU) 2018/2001, and with State aid rules and competition law.</u>		
167h		***<u>3a. By ... [12 months after the date of entry into force of this amending Regulation], the Commission shall draw up guidelines on the implementation of two-way contracts for differences to assist Members States on their establishment.</u>***		
167i		***<u>ACER shall monitor the implementation of direct price support schemes in Member States and issue a report on implementation and impact of price support schemes on competition and functioning of the internal electricity market.</u>***		
167j			**4. In line with the third subparagraph of Article 4(3) of Directive (EU) 2018/2001,**	**4. In line with the third subparagraph of Article 4(3) of Directive (EU) 2018/2001,**

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Member States may exempt small-scale renewables installations and demonstration projects from the obligation under paragraph 1.	**Member States may exempt small-scale renewables installations and demonstration projects from the obligation under paragraph 1.**
G 312	Article 3 Amendment to Directive (EU) 2018/2001of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources	Article 3 Amendment to Directive (EU) 2018/2001of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources	Article ~~3~~**2** Amendment to Directive (EU) ~~2018/2001of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources~~**2018/2001** In accordance with the General Approach, the Council intends to split the Regulation and Directive into two separate legal acts. Following this, Article 3 would become Article 2 in a separate Directive amending Directives (EU) 2018/2001 and (EU) 2019/944. This concerns lines 215 - 320l Directive	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G 313	Directive (EU) 2018/2001 is amended as follows:	Directive (EU) 2018/2001 is amended as follows:	Directive (EU) 2018/2001 is amended as follows: Directive	Directive (EU) 2018/2001 is amended as follows:
G 314	(1) Article 4(3) is amended as follows:	(1) Article 4(3) is amended as follows:	(1) Article 4(3) is amended as follows: Directive	(1) Article 4(3) is amended as follows:
G 315	(a) the second subparagraph is replaced by the following:	(a) the second subparagraph is replaced by the following:	(a) the second subparagraph is replaced by the following: Directive	(a) the second subparagraph is replaced by the following:
Y 316	‘ To that end, with regard to direct price support schemes, support shall be granted in the form of a market premium, which could be, inter alia, sliding or fixed. This sentence shall not apply to support for electricity from the renewable sources listed in Article 19b(2) of Regulation (EU)	‘ To that end, with regard to direct price support schemes, support shall be granted in the form of a market premium, which could be, inter alia, sliding or fixed. ***The second subparagraph of this paragraph*** ~~This sentence~~ shall not apply to support for electricity	‘ To that end, with regard to direct price support schemes, support shall be granted in the form of a market premium, which could be, inter alia, sliding or fixed. ~~This~~ **The first** sentence shall not apply to support for electricity from the renewable sources listed	To that end, with regard to direct price support schemes, support shall be granted in the form of a market premium, which could be, inter alia, sliding or fixed. ~~This~~ **The first** sentence shall not apply to support for electricity from the renewable sources listed in Article

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	2019/944, to which Article 19b(1) of that Regulation applies. ’	from the renewable sources listed in Article 19b(2) of Regulation (EU) ~~*2019/944*~~***2019/943, with more than 1 MW installed capacity, and more than 6 MW where the project is a citizen energy community or renewable energy community***, to which Article 19b(1) of that Regulation applies.***;*** ’	in Article 19b(2) of Regulation (EU) ~~2019/944~~**2019/943 of the European Parliament and of the Council**[1], to which Article 19b(1) of that Regulation applies.’ ’ ______ 1. **Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (OJ L 158, 14.6.2019, p. 54).** Directive	19b(2) of Regulation (EU) ~~2019/944~~**2019/943 of the European Parliament and of the Council**[1], to which Article 19b(1) of that Regulation applies.’ ’ ______ 1. **Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (OJ L 158, 14.6.2019, p. 54).**

Flexibility provisions: ARTICLES 19c, 19d, 19e, 19f in Electricity Regulation 2019/943

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
G	84	(80) 'flexibility' means the ability of an electricity system to adjust to the variability of generation and consumption patterns and grid availability, across relevant market timeframes. '	(80) 'flexibility' means the ability of an electricity system to adjust to the variability of generation and consumption patterns and grid availability, across relevant market timeframes~~.~~;	(80) 'flexibility' means the ability of an electricity system to adjust to the variability of generation and consumption patterns and grid availability, across relevant market timeframes.' '	(80) 'flexibility' means the ability of an electricity system to adjust to the variability of generation and consumption patterns and grid availability, across relevant market timeframes.' '	G

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
	Article 1, first paragraph, point (9), amending provision, sixteenth paragraph					
G	168	Article 19c	Article 19c	Article 19c	Article 19c	G
	Article 1, first paragraph, point (9), amending provision, seventeenth paragraph					
G	169	Assessment of flexibility needs	Assessment of flexibility needs	Assessment of flexibility needs	Assessment of flexibility needs	G
	Article 1, first paragraph, point (9), amending provision, numbered paragraph (1)					
Y	170					Y

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. By 1 January 2025 and every two years thereafter, the regulatory authority of each Member State shall assess and draw up a report on the need for flexibility in the electricity system for a period of at least 5 years, in view of the need to cost effectively achieve security of supply and decarbonise the power system, taking into account the integration of different sectors. The report shall be based on the data and analyses provided by the transmission and distribution system operators of that Member State pursuant to paragraph 2 and using the methodology pursuant to paragraph 3.	1. ~~*By 1 January 2025*~~***Within 12 months from the date of adoption of the proposal referred to in paragraph 6*** and every two years thereafter, the regulatory authority of each Member State shall assess and draw up a report on the ~~*need*~~***estimated needs*** for flexibility ***at national level, including flexibility needs in a future net-zero***~~*in the*~~ electricity system for a period of at least ~~*5*~~***10*** years, in view of the need to cost effectively achieve security of supply and decarbonise the power system, ***contribute to the stability and reliability of that system and the efficient management and development of electricity networks,*** taking into account the integration of ***the renewable energy sources and*** different sectors~~*. The report*~~ ***including the sector coupling potential. Those reports*** shall be based on the data and analyses provided by the transmission and distribution system operators of ~~*that*~~***the*** Member State ***concerned, after conducting a public consultation, including with all relevant stakeholders*** pursuant to ~~*paragraph*~~***paragraphs*** 2 and ***3 of this Article and*** using the	1. **No later than one year after the approval by ACER of the methodology pursuant to paragraph 6 of this Article,**~~By 1 January 2025~~ and every two years thereafter, the regulatory authority, **or another authority or entity designated by a Member State, shall adopt**~~of each Member State shall assess and draw up~~ a report on the need for ~~flexibility in the electricity system~~**system flexibility** for a period of at least 5 years, in view of the need to cost effectively achieve security of supply and decarbonise the ~~power~~ **electricity** system, taking into account the integration of different sectors**, and the interconnected nature of the electricity market. The report shall take into account the European Resource Adequacy Assessment and national adequacy assessments pursuant to Article 20 of this Regulation .** The report shall be based on the data and analyses provided by the transmission and distribution system operators of that Member State pursuant to paragraph ~~2~~3 and using the methodology pursuant to paragraph ~~3~~4 **and, when duly justified, additional data and analysis. Where the Member**	1. ***No later than one year after the approval by ACER of the methodology pursuant to paragraph 6 of this Article,***~~*By 1 January 2025*~~ and every two years thereafter, the regulatory authority***, or another authority or entity designated by a*** ~~*of each*~~ Member State***,*** shall ~~*assess and draw up*~~***adopt*** a report on the ~~*need*~~***estimated needs*** for flexibility ~~*in the electricity system*~~ for a period of ~~*at least 5*~~ ***at least the next 5 to 10*** years ***at national level***, in view of the need to cost effectively achieve security ***and reliability*** of supply and decarbonise the ~~*power*~~***electricity*** system, taking into account the integration of ***variable renewable electricity sources and the*** different sectors~~*.*~~***, as well as the interconnected nature of the electricity market, including interconnection targets and potential availability cross-border flexibility.*** The report shall ***:*** ***(a) be consistent with the European Resource Adequacy Assessment and national adequacy assessments pursuant to Articles 23 and 24 of this***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		methodology pursuant to paragraph ~~3~~***4 of this Article. Those reports shall include an assessment of the available cross-border flexibility, including the progress made towards the 15 % electricity interconnection target for 2030 laid down in Article 4, point (d)(1), of Regulation (EU) 2018/1999. Those reports shall take into account the European Resource Adequacy assessment referred to in Article 23 of this Regulation and national adequacy assessments referred to in Article 20 of this Regulation***.	**State has designated a transmission system operator for this purpose, the regulatory authority shall approve or amend the report**.	***Regulation.*** ***(b)*** be based on the data and analyses provided by the transmission and distribution system operators of that Member State pursuant to paragraph ~~2~~***3*** and using the ***common*** methodology pursuant to paragraph ~~3~~***4 and, when duly justified, additional data and analysis. Where the Member State has designated a transmission system operator or another entity for this purpose, the regulatory authority shall approve or amend the report***.
Article 1, first paragraph, point (9), amending provision, numbered paragraph (1a)				
170a		***1a. By 1 January 2026 and every two years thereafter, ACER shall draw up a report to assess the need for flexibility in the electricity system at Union level and its economically available potential for a period of at least 10 years. ACER shall also assess the introduction of shorter-term products for flexibility, flexible network assets and connections, and better prequalification requirements for participation in***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		the balancing markets. Within a year, Member States shall receive recommendations from ACER to, where applicable, adapt the national report.		
Article 1, first paragraph, point (9), amending provision, numbered paragraph (2)				
171	2. The report shall include an evaluation of the need for flexibility to integrate electricity generated from renewable sources in the electricity system and consider, in particular, the potential of non-fossil flexibility such as demand side response and storage to fulfil this need, both at transmission and distribution levels. The report shall distinguish between seasonal, daily and hourly flexibility needs.	2. The ~~report~~***reports referred to in paragraphs 1 and 1a*** shall include an ~~evaluation~~***assessment*** of the ~~need~~***different types of needs*** for flexibility to integrate electricity generated from renewable sources in the electricity system and consider, in particular, the potential of non-fossil flexibility such as demand ~~side~~ response and ***energy*** storage***,*** to fulfil ~~this~~***that*** need, both at transmission and distribution levels. The ~~report~~***reports*** shall distinguish between ***flexibility needs within all relevant timeframes and, at least, interannual,*** seasonal, daily and hourly flexibility needs***, and between zonal flexibility needs, ensure that all ancillary services are considered, consider congestion within a bidding zone and renewable energy curtailment levels. The reports shall include, inter alia, a high fossil fuel***	2. The report shall ~~include an evaluation of~~ **at least:** **(a) evaluate** the need for flexibility**, at least on a seasonal, daily and hourly basis,** to integrate electricity generated from renewable sources in the electricity system**;** **(b)** ~~and~~ consider~~, in particular,~~ the potential of non-fossil flexibility **resources** such as demand ~~side~~ response and **energy** storage**, including aggregation and interconnection,** to fulfil this need, both at transmission and distribution levels~~. The report shall distinguish between seasonal, daily and hourly~~**;** **(c) evaluate the barriers for flexibility in the market and propose relevant mitigation measures; and**	2. The report shall ~~include an evaluation of the need~~***at least:*** ***(a) evaluate the different types of needs*** for flexibility***, at least on a seasonal, daily and hourly basis,*** to integrate electricity generated from renewable sources in the electricity system***. This evaluation shall assess*** ~~and consider~~***, inter alia, different assumptions in respect to electricity market prices, generation and demand;*** ***(b) consider*** ~~in particular,~~ the potential of non-fossil flexibility ***resources*** such as demand ~~side~~ response and ***energy*** storage***, including aggregation and interconnection,*** to fulfil this need, both at transmission and distribution levels. ***(c) evaluate the barriers for flexibility in the market and propose relevant mitigation measures and incentives,***

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		electricity price crisis scenario and a business-as-usual scenario and suggest minimum levels that will ensure system efficiency and resilience in line with the Union's energy and climate objectives.	**(d) take into account** flexibility ~~needs~~**that is expected to be available in other Member States**.	***including the removal of regulatory barriers and possible improvements to markets and system operation services or products or the potential contribution of digitalization of electricity transmission and distribution networks; and*** ***(d) take into account*** ~~*The report shall distinguish between seasonal, daily and hourly*~~ flexibility ~~*needs*~~ ***that is expected to be available in other Member States***.
Article 1, first paragraph, point (9), amending provision, numbered paragraph (2a)				
171a		***2a. The reports referred to in paragraphs 1 and 1a shall also include an evaluation of measures aiming to improve markets for the procurement of system stability services from non-fossil flexibility resources, including recommendations on how to remove barriers to the entry of non-fossil flexibility assets.***		
Article 1, first paragraph, point (9), amending provision, numbered paragraph (3)				
172	3. The transmission and distribution system operators of	3. The ***electricity*** transmission and distribution system operators of	3. The transmission and distribution system operators of	3. The ***electricity*** transmission and distribution system operators of

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	each Member State shall provide the data and analyses needed for the preparation of the report referred to in paragraph 1 to the regulatory authority.	each Member State***, and, upon request, the gas and hydrogen transmission and distribution system operators,*** shall provide the data and analyses needed for the preparation of the ~~report~~***reports*** referred to in ~~paragraph 1~~***paragraphs 1 and 1a*** to the regulatory authority.	each Member State shall provide the data and analyses needed for the preparation of the report referred to in paragraph 1 to the regulatory authority **or, where relevant, the authority or entity designated in paragraph 1. If duly justified, the regulatory authority or, where relevant, the authority or entity designated in paragraph 1 may ask the transmission system operators and distribution system operators to provide additional input to the report, beyond the requirements referred to in paragraph 4**.	each Member State shall provide the data and analyses ***referred to in paragraph 4 that are*** needed for the preparation of the report referred to in paragraph 1 to the regulatory authority ***or, where relevant, the authority or entity designated in paragraph 1. If duly justified, the regulatory authority or, where relevant, the authority or entity designated in paragraph 1 may ask the relevant transmission system operators and distribution system operators to provide additional input to the report, beyond the requirements referred to in paragraph 4. Relevant transmission or distribution system operators will coordinate with hydrogen and gas sectors system operators in order to gather the relevant information in case needed in application of this article***.
Article 1, first paragraph, point (9), amending provision, numbered paragraph (4)				
173	4. The ENTSO for Electricity and the EU DSO entity shall coordinate transmission and distribution system operators as regards the data and analyses to be provided in	4. The ENTSO for Electricity and the EU DSO entity shall coordinate transmission and distribution system operators as regards the data and analyses to be provided in	4. The ENTSO for Electricity and the EU DSO entity shall coordinate transmission and distribution system operators as regards the data and analyses to be provided in	4. The ENTSO for Electricity and the EU DSO entity shall coordinate transmission and distribution system operators as regards the data and analyses to be provided in

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	accordance with paragraph 2. In particular, they shall:	accordance with paragraph ~~2~~***3***. In particular, they shall:	accordance with paragraph 2. In particular, they shall:	accordance with paragraph ~~2~~***3***. In particular, they shall:
Article 1, first paragraph, point (9), amending provision, numbered paragraph (4), point (a)				
174	(a) define the type of data and format that transmission and distribution system operators shall provide to the regulatory authorities;	(a) define the ~~*type of data and format*~~***requirements and the format of the data in accordance with paragrah 6 of this Article*** that transmission and distribution system operators shall provide to the regulatory authorities;***such system data requirements shall include a timetable for the digitalisation of the power network;***	(a) define the type ~~of data~~ and format **of data** that transmission and distribution system operators shall provide to the regulatory authorities;	(a) define the type ~~*of data*~~ and format***of data*** that transmission and distribution system operators shall provide to the regulatory authorities***or, where relevant, the authority or entity designated in paragraph 1***;
Article 1, first paragraph, point (9), amending provision, numbered paragraph (4), point (b)				
175	(b) develop a methodology for the analysis by transmission and distribution system operators of the flexibility needs, taking into account at least all existing sources of flexibility and planned investments at interconnection, transmission and distribution level as well as the need to decarbonise the electricity system.	(b) develop a methodology for the analysis by transmission and distribution system operators of the flexibility needs***to achieve optimisation of the grid and security of supply and***, taking into account at least all existing sources of flexibility ***in a cost-efficient manner*** and planned investments at interconnection, transmission and distribution level***, the needs and level of flexibility of the rest of the directly interconnected***	(b) develop a methodology for the analysis by transmission and distribution system operators of the flexibility needs, taking into account at least all ~~existing~~**available** sources ~~of flexibility~~ and planned investments ~~at~~**in** interconnection~~,~~ **and flexibility at** transmission and distribution level as well as the need to decarbonise the electricity system.	(b) develop a methodology for the analysis by transmission and distribution system operators of the flexibility needs, taking into account at least all ~~*existing*~~***available*** sources ~~*of flexibility and*~~***in a cost-efficient manner in the different timeframes, including in other Member States;*** planned investments ~~*at*~~***in*** interconnection, ***and flexibility at*** transmission and distribution level as well as the

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		Member States as well as the ***level of renewable energy sources in the electricity mix needed to achieve the target set out in Article 3(1) of Directive (EU) 2018/2001 and the*** need to decarbonise the electricity system~~.~~ ***in compliance with the Paris Agreement and the objective of climate neutrality by 2050 at the latest;***		need to decarbonise the electricity system ***in order to meet the Union's 2030 targets for energy and climate and its 2050 climate neutrality objective, in compliance with the Paris Agreement***. ***The methodology shall contain guiding criteria on how to assess the capability of the different flexibility sources to cover the needs.***
Article 1, first paragraph, point (9), amending provision, numbered paragraph (4), point (ba)				
175a		***(ba) provide guiding criteria on how to assess the capability of the most suitable flexibility sources to cover the needs;***		
Article 1, first paragraph, point (9), amending provision, numbered paragraph (4), point (bb)				
175b		***(bb) define the segmentation of flexibility into different timeframes and the requirements for the assessment of flexibility at Union and national level, taking into account at least all existing and expected investments in flexible resources in the interconnected system as well as planned investments in interconnections for the following***		

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		10 years;		
Article 1, first paragraph, point (9), amending provision, numbered paragraph (4), point (bc)				
175c		***(bc) propose the deadlines for the provision of data and analyses needed for the reports referred to in paragraphs 1 and 1a.***		
Article 1, first paragraph, point (9), amending provision, numbered paragraph (5)				
176	5. The ENTSO for Electricity and the EU DSO entity shall closely cooperate with each other regarding the coordination of transmission and distribution system operators.	5. The ENTSO for Electricity and the EU DSO entity shall closely cooperate with each other regarding the coordination of transmission and distribution system operators ***as regards the provision of data and analyses pursuant to paragraph 4***.	5. The ENTSO for Electricity and the EU DSO entity shall closely cooperate with each other regarding the coordination of transmission and distribution system operators.	5. The ENTSO for Electricity and the EU DSO entity shall closely cooperate with each other regarding the coordination of transmission and distribution system operators ***as regards the provision of data and analyses pursuant to paragraph 4***.
Article 1, first paragraph, point (9), amending provision, numbered paragraph (6)				
177	6. By 1 March 2024, the ENTSO for Electricity and the EU DSO entity shall jointly submit to ACER a proposal regarding the type of data and format to be submitted to regulatory authorities and the methodology referred to in paragraph 3. Within three months of receipt of the proposal, ACER	6. By 1 March 2024, the ENTSO for Electricity and the EU DSO entity shall jointly submit to ACER a proposal regarding the type of data and format to be submitted to regulatory authorities and the methodology ***for the analysis of the flexibility needs*** referred to in paragraph ~~3~~***4***. Within three	6. **By nine months after the entry into force of this Regulation**~~By 1 March 2024~~, the ENTSO for Electricity and the EU DSO entity shall jointly submit to ACER a proposal regarding the type of data and format to be submitted to regulatory authorities and the methodology referred to in	6. By ~~*1 March 2024*~~***nine months after the entry into force of this Regulation***, the ENTSO for Electricity and the EU DSO entity shall jointly submit to ACER a proposal regarding the type of data and format to be submitted to regulatory authorities***, or, where relevant, the authority or entity***

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	shall either approve the proposal or amend it. In the latter case, ACER shall consult the ENTSO for Electricity and the EU DSO entity before adopting the amendments. The adopted proposal shall be published on ACER's website.	months of receipt of the proposal, ACER shall either approve the proposal or amend it. In the latter case, ACER shall consult the ***Electricity Coordination Group, the*** ENTSO for Electricity and the EU DSO entity before adopting the amendments. The adopted proposal shall be published on ACER's website ***and shall constitute the single common format used by all transmission and distribution system operators to comply with the obligations under paragraph 3***.	paragraph ~~3~~4. Within three months of receipt of the proposal, ACER shall either approve the proposal or amend it. In the latter case, ACER shall consult the ENTSO for Electricity and the EU DSO entity before adopting the amendments. The adopted proposal shall be published on ACER's website.	***designated in paragraph 1,*** and the methodology ***for the analysis of the flexibility needs*** referred to in paragraph ~~3~~***4***. Within three months of receipt of the proposal, ACER shall either approve the proposal or amend it. In the latter case, ACER shall consult ***the Electricity Coordination Group,*** the ENTSO for Electricity and the EU DSO entity before adopting the amendments. The adopted proposal shall be published on ACER's website.
Article 1, first paragraph, point (9), amending provision, numbered paragraph (7)				
178	7. The regulatory authorities shall submit the reports referred to in paragraph 1 to ACER and publish them. Within 12 months of receipt of the reports, ACER shall issue a report analysing them and providing recommendations on issues of cross-border relevance regarding the findings of the regulatory authorities.	7. The regulatory authorities shall submit the reports referred to in paragraph 1 to ACER and publish them. Within ~~12~~***six*** months of receipt of the reports, ACER ***and the European Scientific Advisory Board on Climate Change (ESABCC)*** shall issue a report analysing them***, taking into account the conclusions of the report referred to in paragraph 1a,*** and providing recommendations on ***the removal of barriers to entry of non-fossil flexible resources and on*** issues of cross-border relevance	7. The regulatory authorities **or, where relevant, the authority or entity designated in paragraph 1,** shall submit the reports referred to in paragraph 1 to ACER and publish them. Within 12 months of receipt of the reports, ACER shall issue a report analysing them and providing recommendations on issues of cross-border relevance regarding the findings of the regulatory authorities **or ,where relevant, the authority or entity designated in paragraph 1, including recommendations on**	7. The regulatory authorities ***or, where relevant, the authority or entity designated in paragraph 1,*** shall submit the reports referred to in paragraph 1 to ***the European Commission and*** ACER and publish them. Within 12 months of receipt of the reports, ACER shall issue a report analysing them and providing recommendations on issues of cross-border relevance regarding the findings of the regulatory authorities ***or, where relevant, the authority or entity designated in paragraph 1,***

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		regarding the findings of the regulatory authorities. ***Within 12 months ESABCC may submit an opinion on the methodology and issue a report analysing compliance with Union climate targets and the objectives of the Paris Agreement.***	**removing barriers to the entry of non-fossil flexibility resources**.	***including recommendations on removing barriers to the entry of non-fossil flexibility resources***. ***Among the issues of cross-border relevance, the Agency shall assess:*** ***a) how to better integrate the flexibility needs analysis referred to in paragraph 1 with the methodology for the European resource adequacy assessments in accordance with Article 23 and the methodology for the Union-Wide Ten Year Network Development Plan, ensuring consistency between them. The results would be taken into account in further revisions of these methodologies according to the relevant EU legislation.*** ***b) the estimated need for flexibility in the electricity system at Union level and its projected economically available potential for a period of the next 5 to 10 years taking into account the national reports;*** ***c) the potential introduction of further measure to unleash flexibility potential in the***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				electricity markets and system operation; ***The European Scientific Advisory Board on Climate Change may, on its own initiative, provide input to ACER on how to ensure compliance with the Union's 2030 targets for energy and climate and its 2050 climate neutrality objective.***
Article 1, first paragraph, point (9), amending provision, numbered paragraph (7a)				
178a		***7a. Member States shall submit the report referred to in paragraph 1 to the Commission and shall make them available to the public. On the basis of those reports, the Commission may issue recommendations on a best practice methodology.***		
Article 1, first paragraph, point (9), amending provision, numbered paragraph (7b)				
178b		***7b. The national assessment of flexibility needs shall be used as inputs in the scope of the methodology set for the European resource adequacy assessments in accordance with Article 23(3), of***		***7b. ENTSO-E shall update the Union-wide network development plan to include the results of the flexibility needs assessments. The national assessment of flexibility needs referred to in***

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		the methodology set for the Ten Year Network Development Plan and of the methodology set for the distribution system operators' Network Development Plans.		***paragraph 1 shall be considered by transmission and distribution system operators in their network development plans.***
Article 1, first paragraph, point (9), amending provision, numbered paragraph (7c)				
178c		***7c. The ENTSO for Electricity shall update the Union-wide network development plan to include the results of any flexibility needs assessments, as well as any recommendations from the ESABCC.***		
Article 1, first paragraph, point (9), amending provision, twenty-fifth paragraph				
179	Article 19d	Article 19d	Article 19d	Article 19d
Article 1, first paragraph, point (9), amending provision, twenty-sixth paragraph				
180	Indicative national objective for demand side response and storage	Indicative national ~~*objective*~~***objectives*** for demand ~~*side*~~ response and ***energy*** storage	Indicative national objective for ~~demand side response and storage~~**non-fossil flexibility**	Indicative national objective for ~~*demand side response and storage*~~***non-fossil flexibility***
Article 1, first paragraph, point (9), amending provision, twenty-seventh paragraph				
181	Based on the report of the regulatory authority pursuant to	***1.*** ~~*Based*~~ On the ***basis of the*** report of the regulatory authority	~~Based on the report~~**No later than 6 months after the submission** of	~~*Based on the report*~~***No later than 6 months after the submission*** of the

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	Article 19c(1), each Member State shall define an indicative national objective for demand side response and storage. This indicative national objective shall also be reflected in Member States' integrated national energy and climate plans as regards the dimension 'Internal Energy Market' in accordance with Articles 3, 4 and 7 of Regulation (EU) 2018/1999 and in their integrated biennial progress reports in accordance with Article 17 of Regulation (EU) 2018/1999.	~~pursuant to~~ ***referred to in*** Article 19c(1), each Member State shall define ~~an indicative~~***indicative separate quantifiable*** national ~~objective~~***objectives*** for demand ~~side~~***response and energy storage based on available capacity and develop a plan for delivering those objectives, considering all non-fossil flexibility sources with the most cost-efficient solutions, all time frames, and the availability of cross-border capacity and including roadmaps and concrete measures to reduce barriers for the participation of flexibility such as demand*** response and ***energy*** storage ***in the market. Those***~~. This~~ indicative national ~~objective~~***objectives shall take into account ACER's opinion and recommendations referred to in Article 19c(7), shall include a quantification of actual available and forecasted capacity and energy content, and*** shall also be reflected in Member States' integrated national energy and climate plans as regards the dimension 'Internal Energy Market' in accordance with Articles 3, 4 and 7 of Regulation (EU) 2018/1999 and in their integrated biennial progress reports	the ~~regulatory authority~~**report** pursuant to Article 19c(1) **of this Regulation**, each Member State shall define, **based on this report,** an indicative national objective for **non-fossil flexibility, in particular** demand ~~side~~ response and **energy** storage. **Member states may achieve this target by removal of identified market barriers or realise the identified potential of non-fossil flexibility resources.** This indicative national objective shall also be reflected in Member States' integrated national energy and climate plans as regards the dimension 'Internal Energy Market' in accordance with Articles 3, 4 and 7 of Regulation (EU) 2018/1999 and in their integrated biennial progress reports in accordance with Article 17 of Regulation (EU) 2018/1999. **Member States may define provisional indicative objectives before the first submission of the report pursuant to Article 19c(1) of this Regulation.**	~~regulatory authority~~***report*** pursuant to Article 19c(1)***of this Regulation***, each Member State shall define***, based on this report,*** an indicative national objective for ***non-fossil flexibility, including the respective specific contributions of both*** demand side response and ***energy*** storage ***to that objective. Member states may achieve this objective by realising the identified potential of non-fossil flexibility, via the removal of identified market barriers or support schemes as envisaged in Article 19e.***This indicative national objective***, including the respective specific contributions of demand response and energy storage to that objective, as well as measures to achieve this objective,*** ~~-~~shall also be reflected in Member States' integrated national energy and climate plans as regards the dimension 'Internal Energy Market' in accordance with Articles 3, 4 and 7 of Regulation (EU) 2018/1999 and in their integrated biennial progress reports in accordance with Article 17 of Regulation (EU) 2018/1999. ***Member States may define provisional indicative objectives pursuant to Article 19c(1) of this***

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		in accordance with Article 17 of Regulation (EU) 2018/1999*, as well as in the European resource adequacy assessments in accordance with Article 23 (3), and inclusion of the objectives in the Ten Year Network Development Plan and the distribution system operators' network development plans. The plan to deliver the first flexibility evaluation shall be incorporated into the 2024 integrated national energy and climate plans as an addendum upon completion. Member States that have already defined objectives for demand response and storage in their integrated national energy and climate plans before ... [date of entry into force of this amending Regulation], may use those objectives until they are updated in accordance with the report referred to in Article 19c(1)*.		*Regulation.*
Article 1, first paragraph, point (9), amending provision, twenty-seventh paragraph a				
181a		*1a. By June 2025, the Commission, after assessing the national objectives for demand response and energy storage referred to in paragraph 1 and*		*1a. Following the assessment carried out in line with Article 9 of Regulation (EU) 2018/1999, the Commission, after receiving the national indicative objective*

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		communicated by the Member States through their integrated national energy and climate plans and taking into account ACER's opinion and recommendations referred to in Article 19c(7), shall submit a report to the European Parliament and to the Council assessing the national plans. On the basis of the conclusions of that report, the Commission shall draw up a Union strategy on demand response and energy storage that is consistent with the Union's 2030 targets for energy and climate as defined in Article 2, point (11), of Regulation (EU) 2018/1999 and the climate-neutrality objective laid down in Article 2 of Regulation (EU) 2021/1119 which may be accompanied, where appropriate, by a legislative proposal amending this Regulation and introducing minimum demand response and energy storage targets at Union level.		***defined and communicated by the Member States according to paragraph 1, shall submit a report to the European Parliament and to the Council assessing the national reports. On the basis of the conclusions of the report elaborated with the first information communicated by Member States, the Commission may draw up a Union level strategy on flexibility, with a particular focus on demand response and energy storage, to facilitate their deployment that is consistent with the Union's 2030 targets for energy and climate as defined in Article 2, point (11), of Regulation (EU) 2018/1999 and the climate-neutrality objective laid down in Article 2 of Regulation (EU) 2021/1119.***
Article 1, first paragraph, point (9), amending provision, forty-sixth paragraph				
Y 181b		***1b. Transmission and distribution system operators shall include in their network development plans***		Y

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		the national objectives for demand side response and energy storage referred to in paragraph 1.		
Article 1, first paragraph, point (9), amending provision, twenty-eighth paragraph				
182	Article 19e	Article 19e	Article 19e	Article 19e
Article 1, first paragraph, point (9), amending provision, twenty-ninth paragraph				
183	Flexibility support schemes	Flexibility support schemes	**Non-fossil** flexibility support schemes	***Non-fossil*** flexibility support schemes
Article 1, first paragraph, point (9), amending provision, numbered paragraph (1)				
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~~***flexible resources*** such as demand ~~side~~ response and ***energy*** storage by introducing additional criteria or features in the design of the capacity mechanism ***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***.	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~~**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**	1. ~~Member States which apply a capacity mechanism~~***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~~***19d, Member States may apply non-fossil flexibility support schemes consisting of payments for the available capacity*** of non-fossil flexibility ~~such as demand side response and storage by~~

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			apply non-fossil flexibility support schemes consisting of payments for the available capacity of non-fossil flexibility without prejudice to Articles 12 and 13.	~~*introducing additional criteria or features in the design of the capacity mechanism*~~***without prejudice to Articles 12 and 13. Member States which apply a capacity mechanism might use the above mentioned support schemes and 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.***
Article 1, first paragraph, point (9), amending provision, numbered paragraph (2)				
185	2. Where the measures introduced in accordance with paragraph 1 to promote the participation of non-fossil flexibility such as demand response and storage in capacity mechanisms are insufficient to achieve the flexibility needs identified in accordance with19d, Member States may apply flexibility support schemes consisting of payments for the available capacity of non-fossil flexibility such as demand side response and storage.	2. Where the measures introduced in accordance with paragraph 1 to promote the participation of non-fossil ~~*flexibility*~~***flexible resources*** such as demand response and ***energy*** storage in capacity mechanisms are insufficient to achieve the flexibility needs identified in accordance ~~*with19d*~~***with Article 19d***, Member States may apply flexibility support schemes consisting of payments for the available capacity of non-fossil ~~*flexibility*~~***flexible resources*** such as demand ~~*side*~~ response and ***energy***	2. ~~Where the measures introduced in accordance with paragraph 1 to promote the participation of non-fossil flexibility such as demand response and storage in capacity mechanisms are insufficient to achieve the flexibility needs~~**The possibility for Member States to apply measures pursuant to paragraph 1 shall not preclude them from addressing their indicative targets** identified in ~~accordance with19d, Member States may apply flexibility support schemes consisting of payments for~~	2. ~~*Where the measures introduced in accordance with paragraph 1 to promote the participation of non-fossil flexibility such as demand response and storage in capacity mechanisms are insufficient to achieve the flexibility needs*~~***The possibility for Member States to apply measures pursuant to paragraph 1 shall not preclude them from addressing their indicative targets*** identified in ~~*accordance with19d, Member States may apply flexibility support schemes consisting of payments for*~~

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		storage ***including charging services for electric vehicles or hydro with reservoir and/or pumping***.	~~the available capacity of non-fossil flexibility such as demand side response and storage~~**Article 19d by other means**.	~~*the available capacity of non-fossil flexibility such as demand side response and storage*~~***Article 19d by other means***.
Article 1, first paragraph, point (9), amending provision, numbered paragraph (3)				
Y 186	3. Member States which do not apply a capacity mechanism may apply flexibility support schemes consisting of payments for the available capacity of non-fossil flexibility such as demand side response and storage.	3. Member States which do not apply a capacity mechanism may apply flexibility support schemes consisting of payments for the available capacity of non-fossil flexibility such as demand ~~*side*~~ response and ***energy*** storage ***including charging services for electric vehicles or hydro with reservoir and/or pumping***.	*deleted*	3. ~~*Member States which do not apply a capacity mechanism may apply flexibility support schemes consisting of payments for the available capacity of non-fossil flexibility such as demand side response and storage.*~~***Deleted***
Article 1, first paragraph, point (9), amending provision, thirty-third paragraph				
G 187	Article 19f	Article 19f	Article 19f	Article 19f
Article 1, first paragraph, point (9), amending provision, thirty-fourth paragraph				
G 188	Design principles for flexibility support schemes	Design principles for flexibility support schemes	Design principles for **non-fossil** flexibility support schemes	Design principles for ***non-fossil*** flexibility support schemes
Article 1, first paragraph, point (9), amending provision, thirty-fifth paragraph				
Y 189				

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	Flexibility support scheme for non-fossil flexibility such as demand response and storage applied by Member States in accordance with Article 19e(2) and (3) shall:	Flexibility support scheme for non-fossil ~~*flexibility*~~***flexible resources*** such as demand response and ***energy*** storage applied by Member States in accordance with Article ~~*19e(2) and (3)*~~***19e*** shall:	~~Flexibility support scheme for~~ Non-fossil flexibility ~~such as demand response and storage~~**support schemes** applied by Member States in accordance with Article 19~~e(2) and (3)~~**e(1)** shall:	~~*Flexibility support scheme for*~~ Non-fossil flexibility ~~*such as demand response and storage*~~***support schemes*** applied by Member States in accordance with Article 19~~*e(2) and (3)*~~***e(1)*** shall:
Article 1, first paragraph, point (9), amending provision, thirty-fifth paragraph, point (a)				
190	(a) not go beyond what is necessary to address the identified flexibility needs in a cost-effective manner;	(a) not go beyond what is necessary to address the identified flexibility needs in a cost-effective manner;	(a) not go beyond what is necessary to ~~address the~~ **achieve the indicative national objective, or where relevant the provisional indicative objective,** identified ~~flexibility needs~~**in accordance with Article 19d** in a cost-effective manner;	(a) not go beyond what is necessary to ~~*address the*~~ ***achieve the indicative national objective, or where relevant the provisional indicative objective,*** identified ~~*flexibility needs*~~***in accordance with Article 19d*** in a cost-effective manner;
Article 1, first paragraph, point (9), amending provision, thirty-fifth paragraph, point (b)				
191	(b) be limited to new investments in non-fossil flexibility such as demand side response and storage;	(b) be limited to ~~*new investments in*~~ non-fossil ~~*flexibility*~~***flexible resources*** such as demand ~~*side*~~ response and ***energy*** storage;	(b) be limited to new investments in non-fossil flexibility **resources** such as demand ~~side~~ response and **energy** storage;	(b) be limited to new investments in non-fossil flexibility ***resources*** such as demand side-response and ***energy*** storage; ***+ RECITAL TO CLARIFY APPLICATION IN CASE OF EXISTING ASSETS.***
Article 1, first paragraph, point (9), amending provision, thirty-fifth paragraph, point (ba)				

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191a		***(ba) take into consideration locational criteria to ensure that investments in new capacity take place in optimal locations;***		***(ba) [endeavour to take into consideration locational criteria to ensure that investments in new capacity take place in optimal locations;]***
Article 1, first paragraph, point (9), amending provision, thirty-fifth paragraph, point (c)				
192	(c) must not imply starting fossil fuel-based generation located behind the metering point;	(c) ~~*must*~~ not imply starting fossil fuel-based generation located behind the metering point;	(c) ~~must~~ not imply starting fossil fuel-based generation located behind the metering point;	(c) ~~*must*~~ not imply starting fossil fuel-based generation located behind the metering point;
Article 1, first paragraph, point (9), amending provision, thirty-fifth paragraph, point (d)				
193	(d) select capacity providers by means of an open, transparent, competitive, non-discriminatory and cost-effective process;	(d) select capacity providers by means of an open, transparent, competitive, ***voluntary,*** non-discriminatory and cost-effective process;	(d) select capacity providers by means of an open, transparent, competitive, non-discriminatory and cost-effective process;	(d) select capacity providers by means of an open, transparent, competitive, ***voluntary,*** non-discriminatory and cost-effective process;
Article 1, first paragraph, point (9), amending provision, thirty-fifth paragraph, point (e)				
194	(e) prevent undue distortions to the efficient functioning of the electricity markets including preserving efficient operation incentives and price signals and the exposure to price variation and market risk;	(e) prevent undue distortions to the efficient functioning of the electricity markets including ~~*preserving*~~***retaining*** efficient operation incentives and price signals and the exposure to price variation and market risk;	(e) prevent undue distortions to the efficient functioning of the electricity markets including preserving efficient operation incentives and price signals and the exposure to price variation and market risk;	(e) prevent undue distortions to the efficient functioning of the electricity markets including preserving efficient operation incentives and price signals and the exposure to price variation and market risk;

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (9), amending provision, thirty-fifth paragraph, point (f)				
195	(f) provide incentives for the integration in the electricity market in a market-based and market-responsive way, while avoiding unnecessary distortions of electricity markets as well as taking into account possible system integration costs and grid stability;	(f) provide incentives for the integration in the electricity market in a market-based and market-responsive way, while avoiding unnecessary distortions of electricity markets as well as taking into account possible system integration costs and grid ***congestion and*** stability;	(f) provide incentives for the integration in the electricity market in a market-based and market-responsive way, while avoiding unnecessary distortions of electricity markets as well as taking into account possible system integration costs and grid stability;	(f) provide incentives for the integration in the electricity market in a market-based and market-responsive way, while avoiding unnecessary distortions of electricity markets as well as taking into account possible system integration costs and grid ***congestion and*** stability;
Article 1, first paragraph, point (9), amending provision, thirty-fifth paragraph, point (g)				
196	(g) set out a minimum level of participation in the market in terms of activated energy, which takes into account the technical specificities of storage and demand response;	(g) set out a minimum level of participation in the market in terms of activated energy, which takes into account the technical specificities of ***energy*** storage and demand response ***assets***;	(g) set out a minimum level of participation in the market in terms of activated energy, which takes into account the technical specificities of ~~storage and demand response~~**the asset delivering the flexibility;**~~;~~	(g) set out a minimum level of participation in the market in terms of activated energy, which takes into account the technical specificities of ~~***storage and demand response;***~~***the asset delivering the flexibility***
Article 1, first paragraph, point (9), amending provision, thirty-fifth paragraph, point (h)				
197	(h) apply appropriate penalties to capacity providers which do not respect the minimum level of participation in the market referred to in point (g), or which do not follow efficient operation	(h) apply appropriate penalties to capacity providers which do not respect the minimum level of participation in the market referred to in point (g), or which do not follow efficient operation	(h) apply appropriate penalties to capacity providers which do not respect the minimum level of participation in the market referred to in point (g), or which do not follow efficient operation	(h) apply appropriate penalties to capacity providers which do not respect the minimum level of participation in the market referred to in point (g), or which do not follow efficient operation

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	incentives and prices signals;	incentives and prices signals;	incentives and ~~prices~~**price** signals **referred to in point (e)**;	incentives and ~~*prices*~~***price*** signals ***referred to in point (e)***;
Article 1, first paragraph, point (9), amending provision, thirty-fifth paragraph, point (i)				
198	(i) be open to cross-border participation.';	(i) ***where technically feasible,*** be open to cross-border participation.';	*deleted*	***(i) promote the opening to the cross-border participation of those resources that are capable of providing the required technical performance, where a cost-benefit analysis is positive.***

Capacity remuneration mechanisms: Articles 21, 22, 64 and 69 in Electricity Regulation 2019/943

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
R 84d			**(2a) In Article 2, the following point is amended as follows:**	R
R 84e			**(22) 'capacity mechanism' means a measure to ensure the achievement of the necessary level of resource adequacy by remunerating resources for their availability, excluding measures relating to ancillary services or congestion management;**	R
198a		***(9a) in Article 21, paragraph 1 is replaced by the following:***	**(9a) Article 21 is amended as follows:** **[a] paragraph 1 is replaced by the following:**	***(9a) Article 21 is amended as follows:*** ***[a] paragraph 1 is replaced by the following:***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
198b		" *1. To eliminate residual resource adequacy concerns, Member States may, while implementing the measures referred to in Article 20(3) of this Regulation in accordance with Articles 107, 108 and 109 of the TFEU, introduce capacity mechanisms.;* "	" **1. Member States may, while implementing the measures referred to in Article 20(3) of this Regulation in accordance with Article 107, 108 and 109 of the TFEU, introduce capacity mechanisms.**	*1. Member States may, while implementing the measures referred to in Article 20(3) of this Regulation in accordance with Article 107, 108 and 109 of the TFEU, introduce capacity mechanisms.*
198c			**[b] parahraph 7 is deleted.**	*[b] paragraph 7 is deleted.*
198d			**[c] paragraph 8 is replaced by the following:** **8. Capacity mechanisms shall be approved by the Commission for no longer than 10 years. The amount of the committed capacities shall be reduced on the basis of the implementation plans referred to in Article 20. Member States shall continue to apply the implementation plan after the introduction of the**	*[c] paragraph 8 is replaced by the following:* *8. Capacity mechanisms shall be approved by the Commission for no longer than 10 years. The amount of the committed capacities shall be reduced on the basis of the implementation plans referred to in Article 20. Member States shall continue to apply the implementation plan after the introduction of the capacity*

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			capacity mechanism. "	***mechanism.***
198e			**(9b) In Article 22(1) point (a) is deleted.**	***(9b) In Article 22(1) point (a) is deleted.***
208l		***4. By ... [one month after the date of entry into force of this amending Regulation], the Commission shall submit to the European Parliament and to the Council a detailed report assessing possibilities of streamlining and simplifying the process of applying a capacity mechanism under Chapter IV of this Regulation, so as to ensure that adequacy concerns can be addressed by Member States in a timely manner. In that context, the Commission shall request that ACER amends the methodology for the European resource adequacy assessment referred to in Article 23 in accordance with the process set out in Articles 23 and 27, as appropriate. By ... [three months after the date***		**(13b) In Article 69 the following paragraph 1a is added:** ***1a. By ... [one month after the date of entry into force of this amending Regulation], the Commission shall submit to the European Parliament and to the Council a detailed report assessing possibilities of streamlining and simplifying the process of applying a capacity mechanism under Chapter IV of this Regulation, so as to ensure that adequacy concerns can be addressed by Member States in a timely manner. In that context, the Commission shall request that ACER amends the methodology for the European resource adequacy assessment referred to in Article 23 in accordance with the process set out in Articles 23***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>of entry into force of this amending Regulation] the Commission shall, after consulting the Member States, come forward with proposals with a view to simplifying the process of assessing capacity mechanisms as appropriate.</u>		***<u>and 27, as appropriate.</u>*** ***<u>By ... [three months after the date of entry into force of this amending Regulation] the Commission shall, after consultation with Member States, come forward with proposals with a view to simplifying the process of assessing capacity mechanisms as appropriate.</u>***

Article 1, first paragraph, point (13b)(b), amending provision, third paragraph

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
208m		***<u>5. By 30 June 2024, the Commission shall, after consulting the Member States, transmission system operators, ACER and regulatory authorities, shall submit to the European Parliament and to the Council a detailed assessment on the implications of the introduction of capacity mechanisms as a structural element of the electricity market and its impacts on the functioning of the internal electricity market and its evolution towards a net-zero emission system. That assessment shall be focused, inter alia, on assessing a design of such capacity mechanisms that ensures</u>***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		investments in firm renewable capacity, storage and demand response compatible with the Union's climate targets. In light of the conclusions, the Commission shall, where appropriate, accompany that assessment with a legislative proposal amending this Regulation.'; "		
208p			**(13ab) In Article 64, the following paragraph is inserted.**	***[(13ab) In Article 64, the following paragraph is inserted.]***
208q			**(2c) By way of derogation from Article 22(4)(b), Member States may request that generation capacity that started commercial production before 4 July 2019 and that emits more than 550 g of CO2 of fossil fuel origin per kWh of electricity may, subject to compliance with Articles 107 and 108 TFEU, exceptionally be committed or receive payments or commitments for future payments under a capacity**	***[(2c) By way of derogation from Article 22(4)(b), Member States may request that generation capacity that started commercial production before 4 July 2019 and that emits more than 550 g of CO2 of fossil fuel origin per kWh of electricity may, subject to compliance with Articles 107 and 108 TFEU, exceptionally be committed or receive payments or commitments for future payments under a capacity mechanism***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			mechanism approved by the Commission before the entry into force of this regulation. The Commission shall assess the impact of the request in terms of greenhouse gas emissions and may, subject to compliance with Articles 107 and 108 TFUE, grant the authorization, provided that the following conditions are fulfilled:	***approved by the Commission before the entry into force of this regulation. The Commission shall assess the impact of the request in terms of greenhouse gas emissions and may, subject to compliance with Articles 107 and 108 TFUE, grant the authorization, provided that the following conditions are fulfilled:]***
R 208r			**(a) the Member State has carried out, after the date of entry into force of Regulation (UE) 2019/943, a competitive bidding process in line with the provisions of Article 22, which aims at maximising the participation of capacity providers which meet the requirements in Article 22(4), where the contracting period covers at least until 31 December 2028;**	***[(a) the Member State has carried out, after the date of entry into force of Regulation (UE) 2019/943, a competitive bidding process in line with the provisions of Article 22, which aims at maximising the participation of capacity providers which meet the requirements in Article 22(4), where the contracting period covers at least until 31 December 2028;]*** R
R 208s			**(b) the amount of capacity offered in the competitive**	***[(b) the amount of capacity offered in the competitive bidding*** R

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			bidding process referred to in letter a) is not sufficient to address the adequacy concern as identified pursuant to Article 20 (1) for the contracting period covered by that bidding process;	***process referred to in letter a) is not sufficient to address the adequacy concern as identified pursuant to Article 20 (1) for the contracting period covered by that bidding process;]***
208t			**(c) the generation capacity that emits more than 550 g of CO2 of fossil fuel origin per kWh of electricity is committed or receives payments or commitments for future payments for a period not exceeding one year and is procured through an additional procurement process which complies with all requirements in Article 22 except for those set out in point (b) of paragraph 4 and only for the amount of capacity that is needed to solve the adequacy concern identified in letter b).** **The derogation pursuant to this paragraph may be applied until 31 December 2028.**	***[(c) the generation capacity that emits more than 550 g of CO2 of fossil fuel origin per kWh of electricity is committed or receives payments or commitments for future payments for a period not exceeding one year and is procured through an additional procurement process which complies with all requirements in Article 22 except for those set out in point (b) of paragraph 4 and only for the amount of capacity that is needed to solve the adequacy concern identified in letter b).*** ***The derogation pursuant to this paragraph may be applied until 31 December 2028.]***
208u				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			(13b) In Article 69 the following paragraph 1a is added:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
208v			**1a) No later than one month after entry into force of this Regulation, the Commission shall submit to the European Parliament and the Council a detailed report assessing possibilities of streamlining and simplifying the process of applying a capacity mechanism under Chapter IV of this Regulation, so as to ensure that adequacy concerns can be addressed by Member States in a timely manner. In that context the Commission shall request that the Agency amends the methodology for the European resource adequacy assessment referred to in Article 23 in line with the process set out in Articles 23 and 27, as appropriate.** **No later than three months after entry into force of this Regulation, the Commission shall, after consultation with Member States, come forward**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			with proposals with a view to simplifying the process of assessing capacity mechanisms as appropriate.	

Articles 1, 2 (partially), 64 (partially), 69 (partially), 69a, Annex 1 in Electricity Regulation 2019/943

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
	68	Article 1 Amendments to Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity	Article 1 Amendments to Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity	Article 1 Amendments to Regulation (EU) 2019/943 ~~of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity~~		
G	69	Regulation (EU) 2019/943 is amended as follows:	Regulation (EU) 2019/943 is amended as follows:	Regulation (EU) 2019/943 is amended as follows:	Regulation (EU) 2019/943 is amended as follows:	G
G	70	(1) Article 1 is amended as follows:	(1) Article 1 is amended as follows:	(1) Article 1 is amended as follows:	(1) Article 1 is amended as follows:	G
	70a		***(-a) point (a) is replaced by the following:***		(a) set the basis for an efficient achievement of the objectives of the Energy Union and ***the objective to achieve climate neutrality by 2050 at the latest,*** in particular the climate and energy framework for 2030 by enabling market signals to be delivered for increased efficiency, higher share of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				renewable energy sources, security of supply, flexibility, ***system integration through multiple energy carriers,*** sustainability, decarbonisation and innovation;
70b		" ***(a) set the basis for an efficient achievement of the objectives of the Energy Union and the objective to achieve climate neutrality by 2050 at the latest, in particular the climate and energy framework for 2030 by enabling market signals to be delivered for increased efficiency, higher share of renewable energy sources, security of supply, flexibility, sustainability, decarbonisation and innovation;*** "		
G 71	(a) point (b) is replaced by the following:	(a) point (b) is replaced by the following:	(a) point (b) is replaced by the following:	(a) point (b) is replaced by the following: G
72	' (b) set fundamental principles for well-functioning, integrated	' (b) set fundamental principles for well-functioning, integrated electricity markets, which allow all	' (b) set fundamental principles for well-functioning, integrated electricity markets, which allow	b) set fundamental principles for well-functioning, integrated electricity markets, which allow all resource providers and

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	electricity markets, which allow all resource providers and electricity customers non-discriminatory market access, enable the development of forward electricity markets to allow suppliers and consumers to hedge or protect themselves against the risk of future volatility in electricity prices, empower consumers, ensure competitiveness on the global market, enhance flexibility through demand response, energy storage and other non-fossil flexibility solutions, ensure energy efficiency, facilitate aggregation of distributed demand and supply, and enable market and sectoral integration and market-based remuneration of electricity generated from renewable sources; ’	resource providers and electricity customers non-discriminatory market access, enable the development of forward electricity markets to allow suppliers and consumers to hedge or protect themselves against the risk of future volatility in electricity prices, empower ***and protect*** consumers, ensure ***a level playing field for distributed renewable energy installations owned by citizens and energy communities, ensure*** competitiveness on the global market, enhance ***security of supply and*** flexibility through demand response, energy storage***,*** ***energy sharing*** and other non-fossil flexibility solutions, ensure energy efficiency, facilitate aggregation of distributed demand and supply, and enable market and sectoral integration and market-based remuneration of electricity generated from renewable sources;	all resource providers and electricity customers non-discriminatory market access, enable the development of forward electricity markets to allow suppliers and consumers to hedge or protect themselves against the risk of future volatility in electricity prices, empower consumers, ensure competitiveness on the global market, enhance flexibility through demand response, energy storage and other non-fossil flexibility solutions, ensure energy efficiency, facilitate aggregation of distributed demand and supply, and enable market and sectoral integration and market-based remuneration of electricity generated from renewable sources;’ ’	electricity customers non-discriminatory market access, enable the development of forward electricity markets to allow suppliers and consumers to hedge or protect themselves against the risk of future volatility in electricity prices, empower ***and protect*** consumers, ensure competitiveness on the global market, enhance ***security of supply and*** flexibility through demand response, energy storage and other non-fossil flexibility solutions, ensure energy efficiency, facilitate aggregation of distributed demand and supply, and enable market and sectoral integration and market-based remuneration of electricity generated from renewable sources;’
72a		***consider the electricity sector as a key element of integrated energy system planning and operation of***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		the energy system as a whole, across multiple energy carriers, with the objective of delivering affordable, reliable and resource-efficient energy services, at the lowest possible cost to society;' '		
73	(b) the following point is added:	(b) the following ~~point is~~***points are*** added~~:~~	(b) the following point is added:	(b) the following point is added: Text Origin: Council Mandate
74	' (e) support long-term investments in renewable energy generation and enable consumers' to make their energy bills less dependent from fluctuations of short-term electricity market prices, in particular fossil fuel prices in the medium to long-term. '	' (e) support long-term investments in renewable energy generation ***flexibility, including energy storage,*** and enable consumers' to make their energy bills ***affordable and*** less dependent from fluctuations of short-term electricity market prices, in particular fossil fuel prices in the medium to long-term~~.~~***;***	' (e) support long-term investments in renewable energy generation and enable consumers' to make their energy bills less dependent ~~from~~**on** fluctuations of short-term electricity market prices, in particular fossil fuel prices in the medium to long-term.' '	(e) support long-term investments in renewable energy generation, ***flexibility and grids to*** enable consumers to make their energy bills ***affordable and*** less dependent from fluctuations of short-term electricity market prices, in particular fossil fuel prices in the medium to long-term~~.~~***;***
74a		***(ea) set a framework for the***		***(ea) set a framework for the***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
		adoption of measures to address electricity price crisis;		***adoption of measures to address electricity price crisis;***	
74b		***(eb) ensure that sufficient investments are made in the grid and storage capacities to meet the challenges posed by the increasing share of intermittent electricity generation and the overall increase in electricity use.'*** '			
G 75	(2) In Article 2, the following points are added:	(2) In Article 2, the following points are added:	(2) In Article 2, the following points are added:	(2) In Article 2, the following points are added:	G
Y 76	' (72) 'peak hour' means an hour with the highest electricity consumption combined with a low level of electricity generated from renewable energy sources, taking cross-zonal exchanges into account;	' (72) 'peak hour' means an hour ***of the day, based on the forecasts of transmission system operators and, where applicable, nominated electricity market operators,*** with the highest electricity consumption combined with a low level of electricity generated from renewable energy sources, taking cross-zonal exchanges into account;	' (72) 'peak hour' means an hour ~~with the highest~~**where, based on the forecasts of transmission system operators and, where applicable, nominated electricity market operators, the gross** electricity consumption ~~combined with a low level of electricity generated from renewable energy sources~~**or the day-ahead wholesale electricity price is expected to be the highest**, taking cross-zonal exchanges into account;	' (72) 'peak hour' means an hour ~~*with the highest*~~***where, based on the forecasts of transmission system operators and, where applicable, nominated*** electricity ~~*consumption combined with a low level*~~***market operators, the gross electricity consumption or the gross consumption*** of electricity generated from ***sources other than*** renewable ~~*energy sources*~~***sources as referred to in Article 2(1) of***	Y

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Directive (EU) 2018/2001 of the European Parliament and of the Council or the day-ahead wholesale electricity price are expected to be the highest, taking cross-zonal exchanges into account; Discussed ITM 6, 8/11
77	(73) 'peak shaving' means the ability of market participants to reduce electricity consumption at peak hours determined by the transmission system operator;	(73) 'peak shaving' means the ability of market participants to reduce electricity consumption ***from the grid*** at peak hours determined by the ~~transmission~~ system operator;	(73) 'peak shaving' means the ability of market participants to reduce electricity consumption at peak hours ~~determined by~~**at the request of** the transmission system operator;	(73) 'peak shaving' means the ability of market participants to reduce electricity consumption ***from the grid*** at peak hours ~~determined by the transmission~~***at the request of the*** system operator;
78	(74) 'peak shaving product' means a market-based product through which market participants can provide peak shaving to the transmission system operators;	(74) 'peak shaving product' means a market-based product through which market participants can provide peak shaving to ~~the transmission~~ system operators;	(74) 'peak shaving product' means a market-based product through which market participants can provide peak shaving to the transmission system operators;	(74) 'peak shaving product' means a market-based product through which market participants can provide peak shaving to ~~the transmission~~ system operators;

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
79	(75) 'virtual hub' means a non-physical region covering more than one bidding zone for which an index price is set in application of a methodology;	*deleted*	(75) 'virtual hub' means a– non-physical region covering more than one bidding zone for which ~~an index~~***a* reference** price is set in application of a methodology;	(75) 'virtual hub' means a non-physical region covering more than one bidding zone for which ~~an index~~***a* reference** price is set in application of a methodology;
82	(78) 'market revenue' means realised income an electricity producer receives in exchange for the sale and delivery of electricity in the Union, regardless of the contractual form in which such exchange takes place, and excluding any support granted by Member States;	(78) 'market revenue' means realised income ~~*an electricity*~~***that a*** producer receives in exchange for the sale and delivery of electricity ***or for the provision of other services related to the energy system*** in the Union, regardless of the contractual form in which such exchange takes place***, including power purchase agreements and other hedging operations against fluctuations in the wholesale electricity market***, and excluding any support granted by Member States;	*deleted*	*deleted*
82a		***78a. 'settlement' means a payment that is made and received between counterparties, against delivery and receipt of electricity where applicable, in fulfilment of the counterparties'***		*Not to be incorporated.*

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		respective obligations pursuant to one or more clearing transactions;		
83	(79) 'dedicated metering device' means a device attached to or embedded in an asset that sells demand response or flexibility services on the electricity market or to transmission and distribution system operators;	(79) 'dedicated ~~*metering*~~***measurement*** device' means a device ***linked or*** attached to***,*** or embedded in***,*** an asset that ~~*sells*~~***provides*** demand response or flexibility services on the electricity market or to transmission and distribution system operators ***and that allows measuring the volume of demand response and flexibility services delivered***;	(79) 'dedicated ~~metering~~**measurement** device' means a device ~~attached~~**linked** to or embedded in an asset that ~~sells~~ **provides** demand response or flexibility services on the electricity market or to transmission and distribution system operators;	(79) 'dedicated ~~*metering*~~***measurement*** device' means a device ~~*attached*~~***linked*** to or embedded in an asset that ~~*sells*~~ ***provides*** demand response or flexibility services on the electricity market or to transmission and distribution system operators;
83a		***79a. 'power control system' or 'PCS' means a system or device which electronically limits or controls the steady state alternating currents, or direct currents, to a programmable limit or level;***		[*No definition. Term to be used in article 6a Electricity Directive on flexible connection agreements*]
83b		***79b. 'flexible connection agreement' means a set of predetermined rules and***		*To be moved to the Electricity Directive, in connection with art. 6a on flexible connection agreements:*

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		requirements for expeditiously interconnecting electrical capacity to the grid, that includes an agreement to limit and control the import and export of electricity from and to the transmission and distribution network;		***79b. ‘flexible connection agreement’ means a set of agreed conditions for connecting electrical capacity to the grid, that includes conditions to limit and control the electricity injection to and withdrawal from the transmission or distribution network;***
G 84	(80) ‘flexibility’ means the ability of an electricity system to adjust to the variability of generation and consumption patterns and grid availability, across relevant market timeframes.	(80) ‘flexibility’ means the ability of an electricity system to adjust to the variability of generation and consumption patterns and grid availability, across relevant market timeframes~~.~~***;***	(80) ‘flexibility’ means the ability of an electricity system to adjust to the variability of generation and consumption patterns and grid availability, across relevant market timeframes.’	(80) ‘flexibility’ means the ability of an electricity system to adjust to the variability of generation and consumption patterns and grid availability, across relevant market timeframes.***’*** G
84a		***80a. ‘intraday market operator’ means any NEMO, power exchange or other entity which collects bids and offers for intraday products, or products with essentially the same characteristics as intraday products, from market***		*Not to be incorporated.*

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		participants before or after the intraday cross-zonal gate closure time;		
84b		***80b. 'intraday market timeframe' means the timeframe of the electricity market from single intraday coupling gate opening time until the latest point in time when intraday trading is allowed in a given bidding zone including time periods after the intraday cross-zonal gate closure time;***		*Not to be incorporated.*
84c		***80c. 'day-ahead market timeframe' means the timeframe of the electricity market from the single day-ahead coupling gate opening time until the time when the single day-ahead coupling results are published;'*** '		*Not to be incorporated.*
208c		***(13b) Article 69 is amended as follows:***		***(13b) Article 69 is amended as follows:***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
208d		*(a) paragraph 2 is replaced by the following:*		*(a) paragraph 2 is replaced by the following:*
208e		" *2. By 30 June 2026, the Commission shall review this Regulation and Directive EU 2019/944, and shall submit a comprehensive report to the European Parliament and to the Council on the basis of that review, accompanied by a legislative proposal where appropriate. That report shall assess:*		*2. By 30 June 2026, the Commission shall review this Regulation shall submit a comprehensive report to the European Parliament and to the Council on the basis of that review, accompanied by a legislative proposal where appropriate.* *The Commission's report shall assess, among others:* *(a) The effectiveness of the current structure and functioning of the short-term electricity markets, including in crisis or emergency situations, and, more generally, the inefficiencies concerning the internal electricity market;* *(b) the suitability of the current Union legal and financing framework on distribution grids to deliver on the Union's renewable*

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				and internal energy market objectives. ***(c) in line with Article 19a, the potential and viability of the establishment of one or several EU market platforms for PPAs, to be used on a voluntary basis, including the interplay of these potential platforms with other electricity market platforms and the pooling of demand for PPAs through aggregation.*** *Addition of an amendment of Article 69.2 of Electricity Directive 2019/944:* "2. By 31 December 2025, the Commission shall review the implementation of this Directive and shall submit a report to the European Parliament and to the Council. If appropriate, the Commission shall submit a legislative proposal together with or after submitting the report. The Commission's review shall, in particular, assess ***the service quality offered to final***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				customers and whether customers, especially those who are vulnerable or in energy poverty, are adequately protected under this Directive."
208f		***(a) the effectiveness of the current structure and functioning of the short-term market;***		
208g		***(b) the development of electricity generation capacity and quality of service delivered to final costumers in each Member State;***		
208h		***(c) the suitability of the current Union legal and financing framework on distribution grids to deliver on the Union's renewable and internal energy market objectives;***		
208i		***The report shall also assess any inefficiencies in the internal electricity market. Where appropriate, the Commission***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		shall submit legislative proposals on European trading platforms for primary and secondary long-term markets, including measures to create liquidity and transparency, such as requirements for producers and costumers to contract minimum amount of products in public, centralised auctions to provide liquidity.'; "		
208j		***(b) the following paragraphs are added:***		
208k		" ***3. By 30 June 2024, the Commission shall submit a report to the European Parliament and to the Council assessing different options for the introduction of a temporary relief valve mechanism in view of the experience with those mechanisms at international level and of the evolution and new developments in the Union electricity market. That report shall, where appropriate, be accompanied by a***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		legislative proposal.		
208n			**(13a) In Article 64, the following paragraph is added:**	(13a) In Article 64, the following paragraph is added:
208o			**(2a) By way of derogation from Article 6(9), (10) and (11), Estonia, Latvia and Lithuania, may conclude financial contracts for balancing capacity up to five years before the start of the provision of the balancing capacity. The duration of such contracts shall not extend beyond eight years after Estonia, Latvia and Lithuania have joined the continental European synchronous area.** **The national regulators of Estonia, Latvia and Lithuania may allow their domestic transmission system operators to allocate cross-zonal capacity on a market-based process as described in Article 41 of Commission Regulation (EU) 2017/2195, without volume limitations until six months**	(2a) By way of derogation from Article 6(9), (10) and (11), Estonia, Latvia and Lithuania, may conclude financial contracts for balancing capacity up to five years before the start of the provision of the balancing capacity. The duration of such contracts shall not extend beyond eight years after Estonia, Latvia and Lithuania have joined the continental European synchronous area. The national regulators of Estonia, Latvia and Lithuania may allow their domestic transmission system operators to allocate cross-zonal capacity on a market-based process as described in Article 41 of Commission Regulation (EU) 2017/2195, without volume limitations until six months after the moment when the co-

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
			after the moment when the co-optimised allocation process is fully implemented and operational pursuant to paragraph 3 of Article 38 of Commission Regulation (EU) 2017/2195.	optimised allocation process is fully implemented and operational pursuant to paragraph 3 of Article 38 of Commission Regulation (EU) 2017/2195.	
G 209	(14) The following Article 69a is added:	(14) The following Article 69a is added:	(14) The following Article ~~69a~~ is added:		G
G 210	" Article 69a	" Article 69a	" Article 69a	" Article 69a	G
G 211	Interaction with Union financial legislation	Interaction with Union financial legislation	Interaction with Union financial legislation	Interaction with Union financial legislation	G
212	Nothing in this Regulation shall derogate from the provisions of Directive (EU) 2014/65, Regulation (EU) 648/2012 and Regulation (EU) 600/2014 when market participants or market operators engage in	Nothing in this Regulation shall derogate from the provisions of Directive (EU) 2014/65, Regulation (EU) 648/2012 and Regulation (EU) 600/2014 when market participants or market operators engage in activities related to financial instruments in	Nothing in this Regulation shall derogate from the provisions of Directive (EU) 2014/65, Regulation (EU) 648/2012 and Regulation (EU) 600/2014 when market participants or market operators engage in activities related to financial instruments in	Nothing in this Regulation shall derogate from the provisions of Directive (EU) 2014/65, Regulation (EU) 648/2012 and Regulation (EU) 600/2014 when market participants or market operators engage in activities related to financial	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	activities related to financial instruments in particular as defined under Article 4(1)(15) of Directive (EU) 2014/65. "	particular as defined under Article 4(1)(15) of Directive (EU) 2014/65. "	particular as defined under ~~Article 4(1)~~**point** (15) **of Article 4(1)** of Directive (EU) 2014/65. "	instruments in particular as defined under ~~Article 4(1)~~**point** (15) **of Article 4(1)** of Directive (EU) 2014/65. "
213	(15) in Annex I point 1.2 is replaced by the following:	(15) in Annex I point 1.2 is replaced by the following:	(15) in Annex I point 1.2 is replaced by the following:	(15) in Annex I point 1.2 is replaced by the following:
214	" 1.2. Coordinated capacity calculation shall be performed for all allocation timeframes. "	" 1.2. Coordinated capacity calculation shall be performed for all allocation timeframes. "	" 1.2. Coordinated capacity calculation shall be performed for all allocation timeframes. "	" 1.2. Coordinated capacity calculation shall be performed for all allocation timeframes. "

<u>Energy sharing: ARTICLE 15a in Electricity Directive 2019/944</u>

241	(4) The following Articles are inserted:	(4) The following Articles are inserted:	(4) The following Articles are inserted: Directive	(4) The following Articles are inserted:

Article 2, first paragraph, point (4), amending provision, first paragraph

G	242	" Article 15a"	" Article 15a"	" Article 15a" Directive	" Article 15a"	G
	Article 2, first paragraph, point (4), amending provision, second paragraph					
G	243	Right to energy sharing	Right to energy sharing	Right to energy sharing Directive	Right to energy sharing	G
	Article 2, first paragraph, point (4), amending provision, numbered paragraph (1)					
Y	244	1. All households, small and medium sized enterprises and public bodies have the right to participate in energy sharing as active customers.	1. All ~~***households, small and medium sized***~~***customers, in particular households, small*** enterprises and public bodies have the right to participate in energy sharing as active customers***, within the same bidding zone or a more limited geographical area as determined by Member States***. ***The right to participate in energy sharing shall not apply to private undertakings whose participation in energy sharing constitutes part of their primary commercial or professional activity.***	1. All households, small and medium sized enterprises and public bodies **shall** have the right to participate in energy sharing as active customers. Directive	1. All households, small and medium sized enterprises and public bodies ***[and, where Member States have decided so, other categories of final customers],*** ***shall*** have the right to participate in energy sharing as active customers ***in a non-discriminatory manner, within the same bidding zone or a more limited geographical area as determined by the Member State.***	Y
	Article 2, first paragraph, point (4), amending provision, numbered paragraph (1), 2.					
G	245				~~(a)~~***2.*** Active customers shall be	G

	(a) Active customers shall be entitled to share renewable energy between themselves based on private agreements or through a legal entity.	~~(a)~~***1a.*** Active customers shall be entitled to share renewable energy between themselves based on private agreements or through a legal entity.	~~(a)~~**2.** Active customers shall be entitled to share renewable energy between themselves based on private agreements or through a legal entity. Directive	entitled to share renewable energy between themselves based on private agreements or through a legal entity. ***Participation in energy sharing cannot constitute part of the primary commercial or professional activity of the customers engaged in energy sharing.***
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1), point (2a)				
245a		***1b. Active customers who participate in energy sharing may appoint an energy sharing organiser for communication with grid operators, including through a legal entity. The energy sharing organiser shall be responsible for providing grid operators with all necessary information about energy sharing arrangements, for settling the grid tariffs and applicable taxes and for notifying suppliers at the same connection point about the energy sharing arrangement. The energy sharing organiser shall aim at self-balancing the behind the-meter flexible loads, distributed renewable generation and storage***	Directive	

		assets part of an energy sharing arrangement.		
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1), point (b)				
246	(b) Active customers may use a third party that owns or manages for installation, operation, including metering and maintenance a storage or renewable energy generation facility for the purpose of facilitating energy sharing, without that third party being considered an active customer.	~~(b)~~***1c.*** Active customers may use ~~a~~ third ~~party that owns or manages~~***parties that own or manage storage facilities or renewable energy generation facilities of up to 6 MW capacity each*** for installation, operation, including metering and maintenance ~~a storage or renewable energy generation facility~~***,*** for the purpose of facilitating energy sharing~~,~~ ~~without that~~***. The*** third party ~~being~~***shall not be*** considered ***to be*** an active customer. ***Third parties shall be transparent about prices, tariffs, and terms of services, and they shall ensure the provision of non-discriminatory services.***	~~(b)~~**3.** Active customers may use a third party that owns or manages for installation, operation, including metering and maintenance a storage or renewable energy generation facility for the purpose of facilitating energy sharing, without that third party being considered an active customer. Directive	3. Active customers may ***appoint*** a third party ***as an energy sharing organizer for purposes of:*** ***a) Communication on the energy sharing arrangements with other relevant entities, such as suppliers and network operators, including on aspects related the applicable tariffs and charges, taxes or levies.*** ***b) provide support at managing and balancing the behind the-meter flexible loads, distributed renewable generation and storage assets that are part of the relevant energy sharing arrangement.*** ***c) contracting and billing of active customers participating in energy sharing.*** ***d) installation and operation, including metering and maintenance, of the generation or storage facility;*** ***The energy sharing organizer or another third party may own or manage a storage or renewable***

					energy generation facility of up to 6 MW, without being considered an active customer except in the case it is one of the active customers participating in the energy sharing project. ***The energy sharing organizer shall provide non-discriminatory services and transparent prices, tariffs, and terms of services, and for point (d) Articles 10, 12 and 18 shall apply.*** ***Member States shall set the framework for the application of the provisions on this paragraph at national level.***
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1), 4.					
G	247	(c) Member States shall ensure that active customers participating in energy sharing:	~~(c)~~***1d.*** Member States shall ensure that active customers participating in energy sharing:	~~(c)~~**4.** Member States shall ensure that active customers participating in energy sharing: Directive	~~(c)~~**4.** Member States shall ensure that active customers participating in energy sharing:
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1), point (d)					
Y	248	(d) are entitled to have the shared electricity netted with their total metered consumption within a time interval no longer than the imbalance settlement	~~(d)~~***(a)*** are entitled to have the shared electricity ~~netted with~~***injected into the grid deducted from*** their total metered consumption within a time interval no longer than the	~~(d)~~**(a)** are entitled to have the shared electricity netted with their total metered consumption within a time interval no longer than the imbalance settlement period and	~~(d)~~***(a)*** are entitled to have the shared electricity ~~netted with~~ ***injected into the grid deducted from*** their total metered consumption within a time interval no longer

		period and without prejudice to applicable taxes, levies and network charges;	imbalance settlement period and without prejudice to applicable ***non-discriminatory*** taxes, levies and ***cost-reflective*** network charges;	without prejudice to applicable taxes, levies and network charges; Directive	than the imbalance settlement period and without prejudice to applicable ***non-discriminatory*** taxes, levies and ***cost-reflective*** network charges;
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1), point (e)					
Y	249	(e) benefit from all consumer rights and obligations as final customers under this Directive, except in case of energy sharing between households with an installed capacity up to 10.8 kW and up to 50 kW for multi-apartment blocks using peer-to-peer trading agreements;	~~*(e)*~~***(b)*** benefit from all consumer rights and obligations as final customers under this Directive~~,~~ ~~*except in case of energy sharing between households with an installed capacity up to 10.8 kW and up to 50 kW for multi-apartment blocks using peer-to-peer trading agreements;*~~***;***	~~(e)~~**(b)** benefit from all consumer rights and obligations as final customers under this Directive, except in case of– energy sharing between households with an installed capacity up to 10.8 kW **for single households [as specified in the reviewed Renewable Energy Directive 2021/557]** and up to 50 kW for multi-apartment blocks ~~using peer-to-peer trading agreements~~**[as specified in the recast Energy Peformance of Buildings Directive 2021/802];**~~;~~ Directive	~~(e)~~***(b)*** benefit from all consumer rights and obligations as final customers under this Directive, ~~*except in case of*~~
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1), point (ea)					
Y	249a		***(c) are not required to comply with supplier obligations where energy is shared between households with an installed capacity up to 10.8 kW and up to 100 kW for multi-***	Directive	***(c)*** ***are not required to comply with supplier obligations where*** ***energy sharing is shared between households with an installed capacity up to 10.8 kW for***

		apartment blocks using peer-to-peer trading agreements for energy sharing purposes;		***single households and up to 50 kW for multi-apartment blocks*** ~~*using peer-to-peer trading agreements*~~; ***Member States may adapt these thresholds according to the following:*** ***i) in the case of households, the threshold can be increased up to a capacity of 30 kW.*** ***ii) for multi-apartment blocks to increase it up to a capacity of 100 kW or decrease it up to a minimum of 40 kW, this reduction only in case of duly justified specific circumstances due to a reduced average size of multi-apartments.;***
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1), point (eb)				
249b		***(d) customers engaged in energy sharing agreements providing for a remuneration are billed on the basis of their actual consumption and benefit via a third party from rights on billing and billing information provided for in Article 18(1) to (5), and basic contractual rights provided for in Article 10 that are granted to final electricity customers;***	Directive	

Article 2, first paragraph, point (4), amending provision, numbered paragraph (1), point (f)				
250	(f) have access to template contracts with fair and transparent terms and conditions for peer-to-peer trading agreements between households, and for agreements on leasing, renting or investing in storage and renewable energy generation facilities for the purpose of energy sharing; in case of conflicts arising over such agreements, final customers shall have access to out of court dispute settlement in accordance with Article 26;	~~(f)~~***(e)*** have access to ***voluntary*** template contracts with fair and transparent terms and conditions for ~~*peer-to-peer trading*~~***energy sharing*** agreements***; in case of conflicts arising over such agreements, final customers engaging in energy sharing or members of energy communities are to have access to out of court dispute settlement as regards disputes with other participants of energy sharing agreements or within energy communities*** ~~*between households, and for agreements on leasing, renting or investing in storage and renewable energy generation facilities for the purpose of energy sharing; in case of conflicts arising over such agreements, final customers shall have access to out of court dispute settlement*~~ in accordance with Article 26;	~~(f)~~**(c)** have access to template contracts with fair and transparent terms and conditions for ~~peer-to-peer trading~~**energy sharing** agreements between households, and for agreements on leasing, renting or investing in storage and renewable energy generation facilities for the purpose of energy sharing; in case of conflicts arising over such agreements, final customers shall have access to out of court dispute settlement in accordance with Article 26; Directive	~~(f)~~***(e)*** have access to ***voluntary*** template contracts with fair and transparent terms and conditions for ~~peer-to-peer trading~~***energy sharing*** agreements ~~*between households, and for agreements on leasing, renting or investing in storage and renewable energy generation facilities for the purpose of energy sharing*~~; in case of conflicts arising over such agreements, final customers shall have access to out of court dispute settlement ***with other participants of energy sharing agreements*** in accordance with Article 26 .
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1), point (g)				
251	(g) are not subject to unfair and discriminatory treatment by market participants or their balance responsible parties;	~~(g)~~***(f)*** are not subject to unfair and discriminatory treatment ***and charges*** by market participants or their balance responsible parties;	~~(g)~~**(d)** are not subject to unfair and discriminatory treatment by market participants or their balance responsible parties; Directive	~~(g)~~***(f)***are not subject to unfair and discriminatory treatment by market participants or their balance responsible parties;

Article 2, first paragraph, point (4), amending provision, numbered paragraph (1), point (h)				
252	(h) are informed of the possibility for changes in bidding zones in accordance with Article 14 of Regulation (EU) 2019/943 and of the fact that the right to share energy is restricted to within one and the same bidding zone.	~~*(h)*~~***(g)*** are informed of the possibility for changes in bidding zones in accordance with Article 14 of Regulation (EU) 2019/943 and of the fact that the right to share energy is restricted ~~*to within one and the same bidding zone.*~~***in accordance with paragraph 1;***	~~(h)~~**(e)** are informed of the possibility for changes in bidding zones in accordance with Article 14 of Regulation (EU) 2019/943 and of the fact that the right to share energy is restricted to within one and the same bidding zone. Directive	~~(h)~~***(g)*** are informed of the possibility for changes in bidding zones in accordance with Article 14 of Regulation (EU) 2019/943 and of the fact that the right to share energy is restricted ~~*to within one and the same bidding zone*~~ ***in accordance with paragraph 1.***
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1), point (ha)				
252a		***(h) are allowed to offer different services and participate in a non-discriminatory manner in any market, individually or aggregated through the support of market parties, with the decentralised energy resources involved in energy sharing.***	Directive	***(h) notify energy sharing arrangements to the relevant system operators and market participants, including the relevant suppliers either directly or through an energy sharing organizer.*** 4a. In the case of customers participating in energy sharing schemes larger that small and medium enterprises, the following additional conditions will apply: ***(a) The size of the installed capacity of the generation facility***

Y					***associated to the energy sharing scheme shall be of a maximum of 6 MW.*** ***[(b) the energy sharing takes place within a local or limited geographic area, as defined by the Member States.]*** ***[(c) In the case of large enterprises, Member States may decide to establish that active customers and the production facility involved in the energy sharing scheme are the same legal person, part of the same undertaking or controlled by the same group of undertakings];***
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1), 5.					
G	253	(i) Member States shall ensure that relevant transmission or distribution system operators or other designated bodies:	~~(i)~~***1e.*** Member States shall ensure that relevant transmission or distribution system operators or other designated bodies:	~~(i)~~**5.** Member States shall ensure that relevant transmission or distribution system operators or other designated bodies: Directive	~~(i)~~**5.** Member States shall ensure that relevant transmission or distribution system operators or other designated bodies:
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1), point (j)					
Y	254	(j) monitor, collect, validate and communicate metering data related to the shared electricity with relevant final customers and	~~(j)~~***(a)*** monitor, collect, validate and communicate metering data related to the shared electricity with relevant final customers and market	~~(j)~~**(a)** monitor, collect, validate and communicate metering data related to the shared electricity with relevant final customers and market	~~(j)~~**(a)** monitor, collect, validate and communicate metering data related to the shared electricity

		market participants at least every month, and in accordance with Article 23;	participants at least every month~~,~~ ~~and~~ in accordance with Article 23 ***and for that purpose, Member States are to ensure that relevant operators implement the appropriate IT infrastructure within ... [one year after the transposition date of this Directive]***;	participants at least every month, and in accordance with Article 23; Directive	with relevant final customers and market participants at least every month, and in accordance with Article 23 ***and, for that purpose, implement the appropriate IT systems***;
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1), point (k)					
Y	255	(k) provide a relevant contact point to register energy sharing arrangements, receive information on relevant metering points, changes in location and participation, and, where applicable, validate calculation methods in a clear, transparent and timely manner.	~~(k)~~***(b)*** ~~provide a relevant contact point to~~***establish one-stop shops to facilitate and*** register energy sharing arrangements, ***to distribute practical information to the public on requirements, available grid connection capacity, timelines for response and other relevant deadlines, to inform about available financial support and expertise, available template contracts, to*** receive information on relevant metering points, changes in location and participation, and, where applicable, ***to*** validate calculation methods in a clear, transparent and timely manner.	~~(k)~~**(b)** provide a relevant contact point to register energy sharing arrangements, receive information on relevant metering points, changes in location and participation, and, where applicable, validate calculation methods in a clear, transparent and timely manner~~.~~**;** Directive	~~(k)~~***(b)*** provide a relevant contact point to: ***a)*** register energy sharing arrangements; ***b) facilitate practical information for energy sharing***; ***c)*** receive information on relevant metering points, changes in location and participation, and, ***d)*** where applicable, validate calculation methods in a clear, transparent and timely manner~~.~~***;***
Article 2, first paragraph, point (4), amending provision, numbered paragraph (2)					
Y	256	2. Member States shall take	2. Member States shall take	~~2~~**6**. Member States shall take	

	appropriate and non-discriminatory measures to ensure that energy poor and vulnerable households can access energy sharing schemes. Those measures may include financial support measures or production allocation quota.	appropriate and non-discriminatory measures to ensure that energy poor and vulnerable households can access energy sharing schemes. Those measures may include financial support measures or production allocation quota.	appropriate and non-discriminatory measures to ensure that energy poor and vulnerable households can access energy sharing schemes. Those measures may include financial support measures or production allocation quota. Directive	~~2~~*6*. Member States shall take appropriate and non-discriminatory measures to ensure that energy poor and vulnerable households can access energy sharing schemes. Those measures may include financial support measures or production allocation quota.
Article 2, first paragraph, point (4), amending provision, numbered paragraph (2a)				
256a		***2a. Member States shall ensure that the energy sharing projects owned by public authorities require that at least 20 % of the amount of shared electricity is made accessible to vulnerable customers.*** Discussed option: Member States shall ***ensure that energy sharing projects owned by public authorities require that at least 20 % of the amount of shared electricity is made accessible to vulnerable or energy poor customers or citizens.***	Directive	***7. Member States shall ensure that energy sharing projects owned by public authorities make the shared electricity accessible to vulnerable or energy poor customers or citizens. [In doing so, Member States will do their utmost to promote that the amount of this accessible energy is at least 5% on average of the energy shared],***
Article 2, first paragraph, point (4), amending provision, numbered paragraph (2b)				
256b		***2b. The Commission shall provide additional guidance to the Member***	Directive	

		States without increasing administrative burden in order to facilitate a standardised approach with regard to renewable energy sharing and ensure a level playing field for renewable energy communities and citizen energy communities. The Commission shall, by means of implementing acts, establish the rules for the required data exchange between grid operators and with retailers for energy sharing, by specifying existing standards. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 68(2).		
Article 2, first paragraph, point (4), amending provision, numbered paragraph (2c)				
256c		***2c. Member States shall promote the introduction of plug-in mini-solar systems of up to 800 W capacity in and on buildings, for example on balconies, and remove technical and administrative barriers for customers. Active customers sharing electricity from a plug-in mini-solar installation of up to 800 W capacity shall be entitled to have the shared electricity injected into the grid deducted from their total metered***	Directive	***8. Member States may promote the introduction of plug-in mini-solar systems of up to 800 W capacity in and on buildings.***

		consumption within a time interval no longer than the imbalance settlement period and without prejudice to applicable non-discriminatory taxes, levies and cost-reflective network charges. Member States may consider exempting the resulting shared electricity from those taxes, levies and cost-reflective network charges.		
Article 2, first paragraph, point (4), amending provision, numbered paragraph (2d)				
256d			**7. This Article shall be without prejudice to the right of customers to choose their supplier in accordance with Article 4 and to applicable national rules for the authorisation of suppliers.** Directive	***9. The Commission shall provide additional guidance to the Member States without increasing administrative burden in order to facilitate a standardised approach with regard to renewable energy sharing and ensure a level playing field for renewable energy communities and citizen energy communities.*** ***10. This Article shall be without prejudice to the right of customers to choose their supplier in accordance with Article 4 and to applicable national rules for the authorisation of suppliers.*** ***[To be read in conjunction with article***

				4 of Directive 2019/944].

Access to affordable energy during an electricity price crisis: ARTICLE 66a in Electricity Directive 2019/944

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
G	289	" Article 66a	" Article 66a	" Article 66a Directive	" Article 66a	G
G	290	Access to affordable energy during an electricity price crisis	Access to affordable energy during an electricity price crisis	Access to affordable energy during an electricity price crisis Directive	Access to affordable energy during an electricity price crisis	G
	291	1. The Commission may by decision declare a regional or Union-wide electricity price crisis, if the following conditions are met:	1. The Commission ~~may~~***shall*** by decision declare a regional or Union-wide~~–~~ electricity price crisis***, except in duly justified circumstances***, if the following conditions are met:	1. **The Council, on a proposal from** the Commission**, by means of an implementing** ~~may by~~ decision**, may** declare a regional or Union-wide– electricity price crisis, if the following conditions are met: Directive	1. ***The Council, on a proposal from*** the Commission***, by means of an implementing*** ~~*may by*~~ decision, ***may*** declare a regional or Union-wide electricity price crisis, if the following conditions are met:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
292	(a) very high prices in wholesale electricity markets at least two and a half times the average price during the previous 5 years which is expected to continue for at least 6 months;	(a) very high prices in wholesale electricity markets at least two and a half times the average price during the previous 5 years***, and at least 180 €/MWh,*** which is expected to continue for at least 6 months;	(a) very high **average** prices in wholesale electricity markets **of** at least two and a half times the average price during the previous 5 years**,** which is expected to continue for at least 6 months**. The calculation of the average price during the previous 5 years shall not take into account the year of 2022 and those periods where a regional or Union-wide electricity price crisis was declared**; Directive	(a) very high ***average*** prices in wholesale electricity markets **of** at least two and a half times the average price during the previous 5 years***, [OPTION: and at least 180 €/MWh]*** which is expected to continue for at least 6 months**.** ***The calculation of the average price during the previous 5 years shall not take into account the year of 2022 and those periods where a regional or Union-wide electricity price crisis was declared;*** Directive
293	(b) sharp increases in electricity retail prices of at least 70% occur which are expected to continue for at least 6 months; and	(b) sharp increases in electricity retail prices of at least ~~70%~~***60% of the previous two years average*** occur which are expected to continue for at least ~~6~~***3*** months~~; and~~***.***	(b) sharp increases in electricity retail prices ~~of at least~~**in the range of** 70% occur which are expected to continue for at least ~~6~~**3** months; and Directive	(b) sharp increases in electricity retail prices ~~of at least 70%~~ ***[in the range of 60%-70% of the previous two years average]*** occur which are expected to continue for at least ~~6~~***3*** months~~; and~~***.***
294	(c) the wider economy is		*(c)* the wider economy is being	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	being negatively affected by the increases in electricity prices.	*deleted*	negatively affected by the increases in electricity prices. Directive	*[deleted]*
295	2. The Commission shall specify in its decision declaring a regional or Union-wide electricity price crisis the period of validity of that decision which may be for a period of up to one year.	2. The Commission shall specify in its decision declaring a regional or Union-wide electricity price crisis the period of validity of that decision which may be for a period of up to one year. ***If conditions laid down in paragraph 1 are still met, the Commission shall issue a decision extending the duration of the electricity price crisis no later than two months before the end of the validity of the initial decision. If an extension is not foreseen, the Commission shall propose recommendations on a gradual phase-out of public interventions.***	2. The ~~Commission shall specify in its~~ decision -declaring a regional or Union-wide electricity price crisis **shall specify** the period of validity of that decision which may be for a period of up to one year. **That period may be prolonged in accordance with the procedure set out in paragraph 7 for consecutive periods of up to one year.** Directive	2. The ~~*Commission shall specify in its*~~ decision -declaring a regional or Union-wide electricity price crisis ***shall specify*** the period of validity of that decision which may be for a period of up to one year. ***That period may be prolonged in accordance with the procedure set out in paragraph 7 for consecutive periods of up to one year.***
295a		***2a. The declaration of a regional or Union-wide electricity price crisis shall ensure a level playing field across all Member States affected by the decision so that the internal market is not unduly***	Directive	***2a. The declaration of a regional or Union-wide electricity price crisis shall ensure a fair competition and trade across all Member States affected by the decision so that***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		distorted.		***the internal market is not unduly distorted.***
295b			**3. The Commission shall present a proposal for declaring a regional or Union-wide electricity price crisis, including the proposed period of validity of the decision, where it considers that the conditions in paragraph 1 are fulfilled.** Directive	***3. The Commission shall present a proposal for declaring a regional or Union-wide electricity price crisis, including the proposed period of validity of the decision, where that the conditions in paragraph 1 are fulfilled.***
295c			**4. The Council, acting by a qualified majority, may amend a Commission proposal submitted pursuant to paragraphs 3 and 7.** Directive	***4. The Council, acting by a qualified majority, may amend a Commission proposal submitted pursuant to paragraphs 3 and 7.***
296	3. Where the Commission has adopted a decision pursuant to paragraph 1, Member States may for the	3. Where the Commission has adopted a decision pursuant to paragraph 1, Member States may for the duration of the validity of	~~3~~**5**. Where the ~~Commission~~**Council** has adopted a decision pursuant to paragraph 1, Member States may, for the	~~3~~***5***. Where the ~~Commission~~***Council*** has adopted a decision pursuant to paragraph 1, Member States

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
		duration of the validity of that decision apply targeted public interventions in price setting for the supply of electricity to small and medium sized enterprises. Such public interventions shall:	that decision apply ***temporary*** targeted public interventions in price setting for the supply of electricity to small and medium sized enterprises ***and energy-intensive industrial consumers***. Such public interventions shall:	duration of the validity of that decision apply targeted public interventions in price setting for the supply of electricity to small and medium sized enterprises. Such public interventions shall: Directive	may**,** for the duration of the validity of that decision apply ***temporary*** targeted public interventions in price setting for the supply of electricity to small and medium sized enterprises ***[OPTION: and energy-intensive industrial consumers]***. Such public interventions shall:	
G	297	(a) be limited to at most 70% of the beneficiary's consumption during the same period of the previous year and retain an incentive for demand reduction;	(a) be limited to at most 70% of the beneficiary's consumption during the same period of the previous year and retain an incentive for demand reduction;	(a) be limited to at most 70% of the beneficiary's consumption during the same period of the previous year and retain an incentive for demand reduction; Directive	(a) be limited to at most 70% of the beneficiary's consumption during the same period of the previous year and retain an incentive for demand reduction;	G
G	298	(b) comply with the conditions set out in Article 5(4) and (7);	(b) comply with the conditions set out in Article 5(4) and (7);	(b) comply with the conditions set out in Article 5(4) and (7); Directive	(b) comply with the conditions set out in Article 5(4) and (7);	G
G	299	(c) where relevant, comply	(c) where relevant, comply with	(c) where relevant, comply with	(c) where relevant, comply	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	with the conditions set out in Paragraph 4.	the conditions set out in paragraph 4~~.~~***;***	the conditions set out in Paragraph 4. Directive	with the conditions set out in Paragraph 4.
299a		***(ca) be designed to minimise any negative fragmentation of competition in the Union.***	Directive	***(ca) be designed to minimise any negative fragmentation in the internal market within the Union.***
300	4. Where the Commission has adopted a decision pursuant to paragraph 1, Member States may for the duration of the validity of that decision, by way of derogation from Article 5(7), point (c), when applying targeted public interventions in price setting for the supply of electricity pursuant to Article 5(6) or paragraph 3 of this Article, exceptionally and temporarily set a price for the supply of electricity which is below cost provided that the following conditions are fulfilled:	4. Where the Commission has adopted a decision pursuant to paragraph 1, Member States may for the duration of the validity of that decision, by way of derogation from Article 5(7), point (c), when applying targeted public interventions in price setting for the supply of electricity pursuant to Article 5(6) or paragraph 3 of this Article, exceptionally and temporarily set a price for the supply of electricity which is below cost provided that the following conditions are fulfilled:	**46**. Where the ~~Commission~~**Council** has adopted a decision pursuant to paragraph 1, Member States may for the duration of the validity of that decision, by way of derogation from Article 5(7), point (c), when applying targeted public interventions in price setting for the supply of electricity pursuant to Article 5(6) or paragraph 3 of this Article, exceptionally and temporarily set a price for the supply of electricity which is below cost provided that the following conditions are fulfilled: Directive	~~*4*~~***6.*** Where the ~~*Commission*~~***Council*** has adopted a decision pursuant to paragraph 1, Member States may for the duration of the validity of that decision, by way of derogation from Article 5(7), point (c), when applying targeted public interventions in price setting for the supply of electricity pursuant to Article 5(6) or paragraph 3 of this Article, exceptionally and temporarily set a price for the supply of electricity which is below cost provided that the following conditions are fulfilled:

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
301	(a) the price set for households only applies to at most 80% of median household consumption and retains an incentive for demand reduction;	(a) the price set for households only applies to at most 80% of median household consumption and retains an incentive for demand reduction ***and applies to 100% for vulnerable household customers affected by or at risk of energy poverty***;	(a) the price set for households only applies to at most 80% of median household consumption and retains an incentive for demand reduction; Directive	(a) the price set for households only applies to at most 80% of median household consumption and retains an incentive for demand reduction; *+ ADDITION OF A RECITAL ON VULNERABLE CUSTOMERS*
G 302 G	(b) there is no discrimination between suppliers;	(b) there is no discrimination between suppliers;	(b) there is no discrimination between suppliers; Directive	(b) there is no discrimination between suppliers;
303	(c) suppliers are compensated for supplying below cost; and	(c) suppliers are compensated for supplying below cost ***in a transparent and non-discriminatory way***; ~~and~~	(c) suppliers are compensated for supplying below cost; and Directive	(c) suppliers are compensated for supplying below cost ***in a transparent and non-discriminatory manner***;
304				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(d) all suppliers are eligible to provide offers for the price for the supply of electricity which is below cost on the same basis. "	(d) all suppliers are eligible to provide offers for the price for the supply of electricity which is below cost on the same basis~~.~~***; and***	(d) all suppliers are eligible to provide offers for the price for the supply of electricity which is below cost on the same basis. Directive	(d) all suppliers are eligible to provide offers for the price for the supply of electricity which is below cost on the same basis.
304a		***(da) measures proposed do not distort the internal electricity market.***	Directive	***(da) measures proposed do not distort the internal electricity market.***
304b		***4a. The Commission shall continuously assess and publish on a regular basis the results of such assessments in order to monitor the impacts resulting from the measures adopted under the declared electricity price crisis.';*** "	Directive	
304c			**7. In due time before the expiry of the period specified pursuant to paragraph 2, the Commission shall assess whether the**	***7. In due time before the expiry of the period specified pursuant to paragraph 2, the Commission shall assess***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			conditions in paragraph 1 continue to be fulfilled. If the Commission considers that the conditions in paragraph 1 continue to be fulfilled, it shall present to the Council a proposal for prolonging the period of validity of a decision adopted pursuant to paragraph 1. Where the Council decides to prolong the period of validity, paragraphs 5 and 6 shall apply during such prolonged period. Directive	***whether the conditions in paragraph 1 continue to be fulfilled. If the Commission considers that the conditions in paragraph 1 continue to be fulfilled, it shall present to the Council a proposal for prolonging the period of validity of a decision adopted pursuant to paragraph 1. Where the Council decides to prolong the period of validity, paragraphs 5 and 6 shall apply during such prolonged period.*** ***The Commission shall continuously assess and monitor the impacts resulting from the measures adopted under the declared electricity price crisis. and publish on a regular basis the results of such assessments;***

304d			**8. Without prejudice to Articles 107 and 108 TFEU, Member States may apply a cap on revenues from inframarginal generators subject to the same conditions as those set out in Articles 6 to 8 and Article 10 of Council Regulation (EU)**	***[8. Without prejudice to Articles 107 and 108 TFEU, Member States may apply a cap on revenues from inframarginal generators subject to the same conditions as those set out in Articles 6 to 8 and Article 10 of Council***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			2022/1854 until 30 June 2024. By 15 May 2024, the Commission shall carry out a review of the application of the relevant schemes under this paragraph and issue a report on the main findings of this review to Parliament and the Council. “	***Regulation (EU) 2022/1854 until 30 June 2024. By 15 May 2024, the Commission shall carry out a review of the application of the relevant schemes under this paragraph and issue a report on the main findings of this review to Parliament and the Council.]***

Protection from disconnections for vulnerable customers: ARTICLE 28a in Electricity Directive 2019/944

Article 2, first paragraph, point (1)(b), amending provision, fourth paragraph a				
227a		***(24aa) 'energy poverty' means energy poverty as defined in Article 2, point (52) of Directive (EU) [EED Directive];';*** "	Directive	***(24aa) 'energy poverty' means energy poverty as defined in Article 2, point (52) of Directive Directive (EU) 2023/1791 of the European Parliament and of the Council of 13 September 2023 on energy efficiency;***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G 270	Article 28a	Article 28a	Article 28a Directive	Article 28a G
G 271	Protection from disconnections for vulnerable customers	Protection from disconnections for vulnerable customers	Protection from disconnections for vulnerable customers Directive	Protection from disconnections ~~*for vulnerable customers*~~ " G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
272	Member States shall ensure that vulnerable customers are protected from electricity disconnections. This shall be provided as part of the concept of vulnerable customers pursuant to Article 28 (1) of this Directive and without prejudice to the measures set out in Article10(11). “	Member States shall ~~ensure that~~***prohibit electricity disconnections of*** vulnerable ***household*** customers ~~are protected from electricity~~***and customers affected by or at risk of energy poverty as defined in Article 2, point (52) of Directive [EED] and shall set the thresholds above which a power reduction procedure may be introduced. Member States shall ensure that*** disconnections ***are prohibited during ongoing judicial or out-of-court disputes between the supplier and customers for a period of eight weeks***. This shall be provided as part of the concept of vulnerable customers pursuant to Article ~~28 (1)~~***28(1)*** of this Directive and without prejudice to the measures set out in Article10(11).	Member States shall ensure that vulnerable customers are protected from electricity disconnections. This shall be provided as part of the concept of vulnerable customers pursuant to Article 28 (1) ~~of this Directive~~ and without prejudice to the measures set out in Article10(11). “ Directive	***1.*** Member States shall ensure that vulnerable ***and energy poor*** customers are protected from electricity disconnections. This shall be provided as part of the concept of vulnerable customers pursuant to Article 28 (1) ~~of this Directive~~ and without prejudice to the measures set out in Article 10(11). ***When notifying the Commission about the transposition of this Directive, Member States shall demonstrate the measures adopted to implement the first subparagraph.*** ***2. Member States shall ensure that suppliers do not terminate contracts and do not disconnect on grounds on which they are handling a complaint in accordance with Article 10(9) or which are the matter of out of court dispute settlement in accordance with Article 26, and shall not affect the parties contractual rights and obligations. Member States may take appropriate measures to avoid abuses of processes.*** ***3. Member States shall take appropriate measures to enable***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				customers to avoid disconnection, which may include: ***(a) Promoting voluntary codes for suppliers and customers on aimed at preventing and managing situations of customers in arrears; these arrangements may concern support to customers to manage their energy use and costs, including flagging unusual high energy spikes or usage in winter and summer seasons, offering appropriate flexible payment plans, debt advice measures, self metering readings, improved communications with customers and support agencies.*** ***(b) Promoting consumer education and awareness of customers about their rights and debt management.*** ***(c) Access to finance, vouchers or subsidies to support payment of bills.***

272a		***Member States shall complement the provisions of paragraph 1 by***	Directive	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		adopting specific measures for the winter and summer seasons to enable household customers to manage their consumption and avoid high settlement bills.		
272b		***Member States shall ensure that electricity suppliers regularly invite household customers without smart meters to send self-readings in order to help them manage their consumption and avoid high settlement bills.***	Directive	
272c		***Member States shall ensure that suppliers do not require household customers unable to pay their energy bills, vulnerable customers and customers affected by or at risk of energy poverty, to use prepayment systems.***	Directive	
272d		***Member States shall identify appropriate means to guarantee compensation for losses incurred***	Directive	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		by the relevant suppliers.'; "		

Articles 2, 27, 40, 50, 66, 71 in Electricity Directive 2019/944

215	Article 2 Amendments to Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity	Article 2 Amendments to Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity	Article 2 **Article 1** Amendments to Directive (EU) 2019/944 ~~of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity~~ In accordance with the General Approach, the Council intends to split the Regulation and Directive into two separate legal acts. Following this, Article 2 would become Article 1 in a separate Directive amending Directives (EU) 2018/2001 and (EU) 2019/944. This concerns lines 215 - 320l Directive	
Article 2, first paragraph				
216	Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity is amended as follows:	Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity is amended as follows:	Directive (EU) 2019/944 ~~of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity~~ is amended as follows:	

			Directive	
Article 2, first paragraph, point (1)				
217	(1) Article 2 is amended as follows:	(1) Article 2 is amended as follows:	(1) Article 2 is amended as follows: Directive	(1) Article 2 is amended as follows:
Article 2, first paragraph, point (1)(a)				
218	(a) points (8) and (49) is replaced by the following:	(a) points (8) and (49) is replaced by the following:	(a) **(a)** points (8) and (49) ~~is~~**are** replaced by the following: Directive	(a) ***(a)*** points (8) and (49) ~~is~~***are*** replaced by the following: Text Origin: Council Mandate
Article 2, first paragraph, point (1)(a), amending provision, numbered paragraph (8)				
219	" (8) 'active customer' means a final customer, or a group of jointly acting final customers, who consumes or stores electricity generated within its premises located within confined boundaries or self-generated or shared electricity within other premises located within the same bidding zone, or who sells self-generated electricity or participates in flexibility or energy efficiency	" (8) 'active customer' means a final customer, or a group of jointly acting final customers, who consumes or stores electricity generated within its premises located within confined boundaries or self-generated or shared electricity within other premises ~~*located within the same bidding zone*~~, or who sells self-generated electricity or participates in flexibility or energy efficiency	" (8) 'active customer' means a final customer, or a group of jointly acting final customers, who consumes or stores electricity generated within its premises located within confined boundaries or self-generated or shared electricity within other premises located within the same bidding zone, or who sells self-generated electricity or participates in flexibility or energy efficiency	(8) 'active customer' means a final customer, or a group of jointly acting final customers, who consumes or stores electricity generated within its premises located within confined boundaries or self-generated or shared electricity within other premises ~~*located within the same bidding zone*~~, or who sells self-generated electricity or participates in flexibility or energy efficiency

	schemes, provided that those activities do not constitute its primary commercial or professional activity.”;	schemes, provided that those activities do not constitute its primary commercial or professional activity.~~”;~~	schemes, provided that those activities do not constitute its primary commercial or professional activity.”; Directive	schemes, provided that those activities do not constitute its primary commercial or professional activity.~~”;~~ *To be seen in connection to article 15a of Electricity Directive, on energy sharing*
Article 2, first paragraph, point (1)(a), amending provision, numbered paragraph (49)				
220	(49) 'non-frequency ancillary service' means a service used by a transmission system operator or distribution system operator for steady state voltage control, fast reactive current injections, inertia for local grid stability, short-circuit current, black start capability, island operation capability and peak shaving;” “	(49) 'non-frequency ancillary service' means a service used by a transmission system operator or distribution system operator for steady state voltage control, fast reactive current injections, inertia for local grid stability, short-circuit current, black start capability, island operation capability and peak shaving;~~”~~’; “	(49) 'non-frequency ancillary service' means a service used by a transmission system operator or distribution system operator for steady state voltage control, fast reactive current injections, inertia for local grid stability, short-circuit current, black start capability, island operation capability and peak shaving;” “ Directive	*To remove reference to peak shaving, in line with the approach in art. 7a of Electricity Regulation. Thus, the current definition as per Electricity Directive 2019/944 would apply and no amendment would be needed.*
Article 2, first paragraph, point (1)(b)				
221	(b) the following points are added:	(b) the following points are added:	(b) the following points are added: Directive	(b) the following points are added:
Article 2, first paragraph, point (1)(b), amending provision, first paragraph				
222				

		“ (15a) ‘fixed term, fixed price electricity supply contract’ means an electricity supply contract between a supplier and a final customer that guarantees the same contractual conditions, including the price, while it may, within a fixed price, include a flexible element with for example peak and off peak price variations;	“ (15a) ‘fixed term, fixed price electricity supply contract’ means an electricity supply contract between a supplier and a final customer that guarantees the same contractual conditions ***<u>during the whole duration of the contract</u>***, including the price, while it may, within a fixed price, ***<u>and for customers equipped with smart meters</u>*** include a flexible element with for example peak and off peak price variations***<u>, and where changes in the final bill can only result from elements that are not determined by suppliers, such as taxes and levies</u>***;	“ (15a) ‘fixed term, fixed price electricity supply contract’ means an electricity supply contract between a supplier and a final customer that guarantees the same contractual conditions, including the price, **during the whole duration of the contract,** while it may,– within a fixed price, include a flexible element with for example peak and off peak price variations; Directive	“ (15a) ‘fixed term, fixed price electricity supply contract’ means an electricity supply contract between a supplier and a final customer that guarantees the same contractual conditions, including the price, ***<u>during the whole duration of the contract,</u>*** while it may,~~–~~ within a fixed price, include a flexible element with for example peak and off peak price variations***<u>, and where changes in the resulting bill can only result from elements that are not determined by suppliers, such as taxes and levies</u>***;	
	Article 2, first paragraph, point (1)(b), amending provision, second paragraph					
G	223	(10a) ‘energy sharing’ means the self-consumption by active customers of renewable energy either:	(10a) ‘energy sharing’ means the self-consumption by active customers of renewable energy either:	(10a) ‘energy sharing’ means the self-consumption by active customers of renewable energy either: Directive	(10a) ‘energy sharing’ means the self-consumption by active customers of renewable energy either:	G
	Article 2, first paragraph, point (1)(b), amending provision, second paragraph, point (a)					
G	224	(a) generated or stored offsite or on sites between them by a facility they own, lease, rent in	(a) generated or stored offsite or on sites between them by a facility they own, lease, rent in	(a) generated or stored offsite or on sites between them by a facility they own, lease, rent in	(a) generated or stored offsite or on sites between them by a facility they own, lease, rent in whole or in	G

	whole or in part; or	whole or in part; or	whole or in part; or Directive	part; or
Article 2, first paragraph, point (1)(b), amending provision, second paragraph, point (b)				
G 225	(b) the right to which has been transferred to them by another active customer whether free of charge or for a price.	(b) the right to which has been transferred to them by another active customer whether free of charge or for a price.	(b) the right to which has been transferred to them by another active customer whether free of charge or for a price. Directive	(b) the right to which has been transferred to them by another active customer whether free of charge or for a price. ” G
Article 2, first paragraph, point (1)(b), amending provision, third paragraph				
226	(10b) ‘peer-to-peer trading’ of renewable energy means peer-to-peer trading as defined in point (18) of Article 2 of Directive (EU) 2018/2001.	(10b) ‘peer-to-peer trading’ of renewable energy means peer-to-peer trading as defined in point (18) of Article 2 of Directive (EU) 2018/2001.	*deleted* *Directive*	*deleted*
Article 2, first paragraph, point (1)(b), amending provision, fourth paragraph				
227	*(24a)* ‘supplier of last resort’ means a supplier who is designated by a Member State to take over the supply of electricity to customers of a supplier which has ceased to operate; ”	(24a) ‘supplier of last resort’ means a supplier who is designated by a Member State to take over the supply of electricity to customers of a supplier which has ceased to operate;	(24a) ‘supplier of last resort’ means a supplier who is designated ~~by a Member State~~ to take over the supply of electricity to customers of a supplier which has ceased to operate; ”	(24a) ‘supplier of last resort’ means a supplier who is designated ~~*by a Member State*~~ to take over the supply of electricity to customers of a supplier which has ceased to operate; ”

			Directive	
Article 2, first paragraph, point (1)(b), amending provision, fourth paragraph a				
227a		***(24aa) 'energy poverty' means energy poverty as defined in Article 2, point (52) of Directive (EU) [EED Directive];';*** "	Directive	*To be seen in connection to article 28a of Electricity Directive, on Protection from disconnections for vulnerable customers*
Article 2, first paragraph, point (1)(ba)				
227b		***(ba) point (49) is replaced by the following:***	Directive	See line 220
Article 2, first paragraph, point (1)(ba), amending provision, first paragraph				
227c		" ***(49) 'non-frequency ancillary service' means a service used by a transmission system operator or distribution system operator for steady state voltage control, fast reactive current injections, inertia for local grid stability, short-circuit current, black start capability, island operation capability and peak shaving;*** "	Directive	See line 220
Article 2, first paragraph, point (1)(bb)				

227d		***(bb) point (31) is replaced by the following:***	Directive	***(bb) point (31) is replaced by the following:***
Article 2, first paragraph, point (1)(bb), amending provision, first paragraph				
227e		" ***(31) 'energy from renewable sources' or 'renewable energy' means energy from renewable sources or renewable energy as defined in Article 2, point (1), of Directive (EU) 2018/2001;*** "	Directive	***(31) 'energy from renewable sources' or 'renewable energy' means energy from renewable sources or renewable energy as defined in Article 2, point (1), of Directive (EU) 2018/2001, as amended by Directive 2023/2413;***
Article 2, first paragraph, point (6)				
G 273	(6) in Article 27, paragraph 1 is replaced by the following:	(6) in Article 27, paragraph 1 is replaced by the following:	(6) in Article 27, paragraph 1 is replaced by the following: Directive	(6) in Article 27, paragraph 1 is replaced by the following: G
Article 2, first paragraph, point (6), amending provision, numbered paragraph (1)				
G 274	" 1. Member States shall ensure that all household customers, and, where Member States consider it appropriate, small enterprises, enjoy universal service, namely the right to be supplied with electricity of a specified quality within their	" 1. Member States shall ensure that all household customers, and, where Member States consider it appropriate, small enterprises, enjoy universal service, namely the right to be supplied with electricity of a specified quality within their	" 1. Member States shall ensure that all household customers, and, where Member States consider it appropriate, small enterprises, enjoy universal service, namely the right to be supplied with electricity of a specified quality within their	" 1. Member States shall ensure that all household customers, and, where Member States consider it appropriate, small enterprises, enjoy universal service, namely the right to be supplied with electricity of a specified quality within their G

	territory at competitive, easily and clearly comparable, transparent and non-discriminatory prices. To ensure the provision of universal service, Member States shall impose on distribution system operators an obligation to connect customers to their network under terms, conditions and tariffs set in accordance with the procedure laid down in Article 59(7). This Directive does not prevent Member States from strengthening the market position of the household customers and small and medium-sized non-household customers by promoting the possibilities for the voluntary aggregation of representation for that class of customers. ”	territory at competitive, easily and clearly comparable, transparent and non-discriminatory prices. To ensure the provision of universal service,~~–~~ Member States shall impose on distribution system operators an obligation to connect customers to their network under terms, conditions and tariffs set in accordance with the procedure laid down in Article 59(7). This Directive does not prevent Member States from strengthening the market position of the household customers and small and medium-sized non-household customers by promoting the possibilities for the voluntary aggregation of representation for that class of customers.’; ”	territory at competitive, easily and clearly comparable, transparent and non-discriminatory prices. To ensure the provision of universal service,– Member States shall impose on distribution system operators an obligation to connect customers to their network under terms, conditions and tariffs set in accordance with the procedure laid down in Article 59(7). This Directive does not prevent Member States from strengthening the market position of the household customers and small and medium-sized non-household customers by promoting the possibilities for the voluntary aggregation of representation for that class of customers.” ” Directive	territory at competitive, easily and clearly comparable, transparent and non-discriminatory prices. To ensure the provision of universal service,~~–~~ Member States shall impose on distribution system operators an obligation to connect customers to their network under terms, conditions and tariffs set in accordance with the procedure laid down in Article 59(7). This Directive does not prevent Member States from strengthening the market position of the household customers and small and medium-sized non-household customers by promoting the possibilities for the voluntary aggregation of representation for that class of customers.” ”
Article 2, first paragraph, point (8)				
278	(8) Article 40 is amended as follows:	(8) Article 40 is amended as follows:	(8) **In** Article 40**, the following paragraph is inserted** ~~is amended as follows~~: Directive	
Article 2, first paragraph, point (8)(a)				

279	(a) a new paragraph is added after paragraph 6:	(a) a new paragraph is added after paragraph 6:	*deleted* Directive		
Article 2, first paragraph, point (8)(a), amending provision, first paragraph					
G *280*	" The requirements in paragraphs 5 and 6 shall not apply with regard to the peak shaving product procured in accordance with Article 7a of Regulation (EU) 2019/943. "	" The requirements in paragraphs 5 and 6 shall not apply with regard to the peak shaving product procured in accordance with Article 7a of Regulation (EU) 2019/943. "	" **6a.** The requirements in paragraphs 5 and 6 shall not apply with regard to the peak shaving product procured in accordance with Article 7a of Regulation (EU) 2019/943.-**"** " Directive	" ***6a.*** The requirements in paragraphs 5 and 6 shall not apply with regard to the peak shaving product procured in accordance with Article 7a of Regulation (EU) 2019/943.~~-~~***"*** "	G
Article 2, first paragraph, point (9)					
G 281	(9) Article 59 is amended as follows:	(9) Article 59 is amended as follows:	(9) Article 59 is amended as follows: Directive	(9) Article 59 is amended as follows: Text Origin: Council Mandate	G
Article 2, first paragraph, point (9)(a)					
282	(a) In paragraph 1, subparagraph (c) is replaced by the following:	(a) In paragraph 1, subparagraph (c) is replaced by the following:	(a) In paragraph 1, ~~subparagraph~~**point** (c) is replaced by the following:	(a) In paragraph 1, ~~*subparagraph*~~***point*** (c) is replaced by the following:	

			Directive	Text Origin: Council Mandate
Article 2, first paragraph, point (9)(a), amending provision, first paragraph				
283	“ (c) , in close coordination with the other regulatory authorities, ensuring the compliance of the single allocation platform established in accordance with Regulation (EU) 2016/1719, the ENTSO for Electricity and the EU DSO entity with their obligations under this Directive, Regulation (EU) 2019/943, the network codes and guidelines adopted pursuant to Articles 59, 60 and 61 of Regulation (EU) 2019/943, and other relevant Union law, including as regards cross-border issues, as well as with ACER's decisions, and jointly identifying non-compliance of the single allocation platform, the ENTSO for Electricity and the EU DSO entity with their respective obligations; where the regulatory authorities have not been able to reach an agreement within a period of four months after the start of consultations for the purpose of jointly identifying non-compliance, the matter shall be referred to the ACER for a	“ (c) , in close coordination with the other regulatory authorities, ensuring the compliance of the single allocation platform established in accordance with Regulation (EU) 2016/1719, the ENTSO for Electricity and the EU DSO entity with their obligations under this Directive, Regulation (EU) 2019/943, the network codes and guidelines adopted pursuant to Articles 59, 60 and 61 of Regulation (EU) 2019/943, and other relevant Union law, including as regards cross-border issues, as well as with ACER's decisions, and jointly identifying non-compliance of the single allocation platform, the ENTSO for Electricity and the EU DSO entity with their respective obligations; where the regulatory authorities have not been able to reach an agreement within a period of four months after the start of consultations for the purpose of jointly identifying non-compliance, the matter shall be referred to the ACER for a	“ (c) ~~,~~ in close coordination with the other regulatory authorities, ensuring the compliance of the single allocation platform established in accordance with Regulation (EU) 2016/1719, **of an entity designated for the management of the integrated day-ahead and intraday market where applicable, of** the ENTSO for Electricity and the EU DSO entity with their obligations under this Directive, Regulation (EU) 2019/943, the network codes and guidelines adopted pursuant to Articles 59, 60 and 61 of Regulation (EU) 2019/943, and other relevant Union law, including as regards cross-border issues, as well as with ACER's decisions, and jointly identifying non-compliance of the single allocation platform, the ENTSO for Electricity and the EU DSO entity with their respective obligations; where the regulatory authorities have not been able to reach an agreement within a period of four months	*Linked to discussion in art. 7 Electricity Regulation 2019/943, in relation to the entity for the management of coupling.*

	decision, pursuant to Article 6(10) of Regulation (EU) 2019/942; ”	decision, pursuant to Article 6(10) of Regulation (EU) 2019/942; ”	after the start of consultations for the purpose of jointly identifying non-compliance, the matter shall be referred to the ACER for a decision, pursuant to Article 6(10) of Regulation (EU) 2019/942;-” ” Directive	
Article 2, first paragraph, point (9)(b)				
284	(b) In paragraph 1, subparagraph (z) is replaced by the following:	(b) In paragraph 1, subparagraph (z) is replaced by the following:	(b) In paragraph 1, ~~subparagraph~~**point** (z) is replaced by the following: Directive	(b) In paragraph 1, ~~subparagraph~~***point*** (z) is replaced by the following: Text Origin: Council Mandate
Article 2, first paragraph, point (9)(b), amending provision, first paragraph				
285	“ (z) The regulatory authority shall have the following duties: monitoring the removal of unjustified obstacles to and restrictions on the development of consumption of self-generated electricity and citizen energy communities, including related to the connection of flexible distributed energy generation within a reasonable time in	“ (z) ~~*The regulatory authority shall have the following duties:*~~ monitoring the removal of unjustified obstacles to and restrictions on the development***, production, storage,*** ~~*of*~~ consumption ***and selling*** of self-generated ***or shared*** electricity***, renewable energy communities*** and citizen energy communities, including ~~*related to*~~***obstacles and***	“ (z) ~~The regulatory authority shall have the following duties~~: monitoring the removal of unjustified obstacles to and restrictions on the development of consumption of self-generated electricity and citizen energy communities, including ~~related to~~ **obstacles and restrictions preventing** the connection of flexible distributed energy	(z) monitoring the removal of unjustified obstacles to and restrictions on the development of consumption of self-generated electricity***, energy sharing, renewable energy communities*** and citizen energy communities, including ~~*related to*~~***obstacles and restrictions preventing*** the connection of flexible distributed energy generation within a reasonable time in accordance with

	accordance with Article 58(d). ”	***restrictions preventing*** the connection of flexible distributed energy generation within a reasonable time in accordance with Article ~~58(d).~~ ***58, point (d).’;*** ”	generation within a reasonable time ~~in accordance with Article 58(d).”.~~ ” Directive	Article ~~58(d).~~ ***58, point (d).’;***
Article 2, first paragraph, point (9)(c)				
286	(c) paragraph 4 is replaced by the following:	(c) paragraph 4 is replaced by the following:	(c) paragraph 4 is replaced by the following: Directive	(c) paragraph 4 is replaced by the following:
Article 2, first paragraph, point (9)(c), amending provision, numbered paragraph (4)				
287	“ 4. The regulatory authority located in the Member State in which the single allocation platform, the ENTSO for Electricity or the EU DSO entity has its seat shall have the power to impose effective, proportionate and dissuasive penalties on those entities where they do not comply with their obligations under this Directive, Regulation (EU) 2019/943 or any relevant legally binding decisions of the regulatory authority or of ACER, or to propose that a competent court impose such penalties.	“ 4. The regulatory authority located in the Member State in which the single allocation platform, the ENTSO for Electricity or the EU DSO entity has its seat shall have the power to impose effective, proportionate and dissuasive penalties on those entities where they do not comply with their obligations under this Directive, Regulation (EU) 2019/943 or any relevant legally binding decisions of the regulatory authority or of ACER, or to propose that a competent court impose such penalties.	“ 4. The regulatory authority located in the Member State in which the single allocation platform, the **entity designated for the management of the integrated day-ahead and intraday market where applicable, the** ENTSO for Electricity or the EU DSO entity has its seat shall have the power to impose effective, proportionate and dissuasive penalties on those entities where they do not comply with their obligations under this Directive, Regulation (EU) 2019/943 or any relevant legally binding decisions of the regulatory	*Linked to discussion in art. 7 Electricity Regulation 2019/943, in relation to the entity for the management of coupling.*

	”	”	authority or of ACER, or to propose that a competent court impose such penalties. ” Directive	
Article 2, first paragraph, point (9a), first subparagraph				
287a			**(9a) In Article 66, the following paragraph 6 is added** Directive	**(9a) In Article 66, the following paragraph 6 is added**
Article 2, first paragraph, point (9a), second subparagraph				
287b			**6. By way of derogation from Article 40(4), the transmission system operators in Estonia, Latvia and Lithuania shall be able to rely on balancing services provided by domestic electricity storage providers, transmission system operators related undertakings, and other facilities owned by transmission system operators.** Directive	**6. By way of derogation from Article 40(4), the transmission system operators in Estonia, Latvia and Lithuania shall be able to rely on balancing services provided by domestic electricity storage providers, transmission system operators related undertakings, and other facilities owned by transmission system operators.**
Article 2, first paragraph, point (9a), third subparagraph				
287c				

			By way of derogation from Article 54(2), Estonia, Latvia and Lithuania may allow their transmission system operators and transmission system operators related undertakings to own, develop manage and operate storage without following an open, transparent and non-discriminatory tendering procedure and may allow such storage to buy or sell electricity in the balancing markets. Directive	**By way of derogation from Article 54(2), Estonia, Latvia and Lithuania may allow their transmission system operators and transmission system operators related undertakings to own, develop manage and operate storage without following an open, transparent and non-discriminatory tendering procedure and may allow such storage to buy or sell electricity in the balancing markets.**
Article 2, first paragraph, point (9a), fourth subparagraph				
287d			**The derogations from Article 40(4) and Article 54(2) shall apply up to three years after Estonia, Latvia and Lithuania have joined the continental European synchronous area. When necessary to preserve security of supply, the Commission may grant an extension of the initial three year period by a maximum of five years.** Directive	**The derogations from Article 40(4) and Article 54(2) shall apply up to three years after Estonia, Latvia and Lithuania have joined the continental European synchronous area. When necessary to preserve security of supply, the Commission may grant an extension of the initial three year period by a maximum of five years.**
Article 2, first paragraph, point (9b), first subparagraph				

287e			**(9b) In Article 66, the following new paragraph is added:**	**(9b) In Article 66, the following new paragraph is added:**
Article 2, first paragraph, point (9b), second subparagraph				
287f			**7. By way of derogation from Articles 40(4) and 54(2), Cyprus may allow its transmission system operator to own, develop manage and operate storage without following an open, transparent and non-discriminatory tendering procedure.**	**7. By way of derogation from Articles 40(4) and 54(2), Cyprus may allow its transmission system operator to own, develop manage and operate storage without following an open, transparent and non-discriminatory tendering procedure.**
Article 2, first paragraph, point (9b), third subparagraph				
287g			**The derogations from Articles 40(4) and 54(2) shall apply until the transmission system in Cyprus is connected to other Member States' transmission systems via interconnection.**	**The derogations from Articles 40(4) and 54(2) shall apply until the transmission system in Cyprus is connected to other Member States' transmission systems via interconnection.**
Article 2, first paragraph, point (11)				
305	(11) in Article 71, paragraph 1 is replaced by the following:	(11) in Article 71, paragraph 1 is replaced by the following:	*deleted* Directive	*deleted*

Article 2, first paragraph, point (11), amending provision, numbered paragraph (1), first subparagraph				
306	‘ *1.* Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 2 points 8 and 49, Articles 3 and 5, Article 6(2) and (3), Article 7(1), point (j) and (l) of Article 8(2), Article 9(2), Article 10(2) to (12), Article 11(3) and (4), Articles 12 to 24, Articles 26, 28 and 29, Article 31(1), (2) and (4) to (10; Articles 32 to 34 and 36, Article 38(2), Articles 40 and 42, point (d) of Article 46(2), Articles 51 and 54, Articles 57 to 58, Article 59(1) points (a), (b) and (d) to (y), Article 59(2) and (3), Article 59(5) to (10), Articles 61 to 63, points (1) to (3), (5)(b) and (6) of Article 70 and Annexes I and II by 31 December 2020. They shall immediately communicate the text of those provisions to the Commission.	‘ 1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 2 points 8 and 49, Articles 3 and 5, Article 6(2) and (3), Article 7(1), point (j) and (l) of Article 8(2), Article 9(2), Article 10(2) to (12), Article 11(3) and (4), Articles 12 to 24, Articles 26, 28 and 29, Article 31(1), (2) and (4) to (10; Articles 32 to 34 and 36, Article 38(2), Articles 40 and 42, point (d) of Article 46(2), Articles 51 and 54, Articles 57 to 58, Article 59(1) points (a), (b) and (d) to (y), Article 59(2) and (3), Article 59(5) to (10), Articles 61 to 63, points (1) to (3), (5)(b) and (6) of Article 70 and Annexes I and II by 31 December 2020. They shall immediately communicate the text of those provisions to the Commission.	*deleted* Directive	*deleted*
Article 2, first paragraph, point (11), amending provision, numbered paragraph (1), second subparagraph				
307	However, Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with:	However, Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with:	*deleted* Directive	*deleted*

Article 2, first paragraph, point (11), amending provision, numbered paragraph (1), second subparagraph, point (a)				
308	*(a)* point (5)(a) of Article 70 by 31 December 2019;	(a) point (5)(a) of Article 70 by 31 December 2019;	*deleted* *Directive*	*deleted*
Article 2, first paragraph, point (11), amending provision, numbered paragraph (1), second subparagraph, point (b)				
309	*(b)* point (4) of Article 70 by 25 October 2020.	(b) point (4) of Article 70 by 25 October 2020.	*deleted* *Directive*	*deleted*
Article 2, first paragraph, point (11), amending provision, numbered paragraph (1), third subparagraph				
310	Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 2 points 10a, 10b, 15a, 24a, Article 4, Article 11(1), (1a) and (2), Article15a, Article 18a, Article 27(1), Article 27a, Article 28a, Article 31(3), Article 40(7), Article 59(1) points (c) and (z), Article 59(4) and Article 66a by six months after entry into force of this Regulation.	Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 2 points 10a, 10b, 15a, 24a, Article 4, Article 11(1), (1a) and (2), Article15a, Article 18a, Article 27(1), Article 27a, Article 28a, Article 31(3), Article 40(7), Article 59(1) points (c) and (z), Article 59(4) and Article 66a by six months after entry into force of this Regulation.	*deleted* *Directive*	*deleted*
Article 2, first paragraph, point (11), amending provision, numbered paragraph (1), fourth subparagraph				

311	When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. They shall also include a statement that references in existing laws, regulations and administrative provisions to the Directive repealed by this Directive shall be construed as references to this Directive. Member States shall determine how such reference is to be made and how that statement is to be formulated. ,	When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. They shall also include a statement that references in existing laws, regulations and administrative provisions to the Directive repealed by this Directive shall be construed as references to this Directive. Member States shall determine how such reference is to be made and how that statement is to be formulated. ,	*deleted* Directive	*deleted*

Amendments to ACER Regulation 2019/942

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
G	321	Article 4 Amendments to Regulation (EU) 2019/942 of the European Parliament and of the Council of 5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators	Article 4 Amendments to Regulation (EU) 2019/942 of the European Parliament and of the Council of 5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators	Article 4 Amendments to Regulation (EU) 2019/942 ~~of the European Parliament and of the Council of 5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators~~		G
G	322	Regulation (EU) 2019/942 is amended as follows:	Regulation (EU) 2019/942 is amended as follows:	Regulation (EU) 2019/942 is amended as follows:	Regulation (EU) 2019/942 is amended as follows:	G
G	323	(1) Article 2 is amended as follows:	(1) Article 2 is amended as follows:	(1) Article 2 is amended as follows:	(1) Article 2 is amended as follows:	G
G	324	(a) point (a) is replaced by the following:	(a) point (a) is replaced by the following:	(a) point (a) is replaced by the following:	(a) the following points (aa) and (ab) are added:	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
325	‘ (a) issue opinions and recommendations addressed to transmission system operators, the ENTSO for Electricity, the ENTSO for Gas, the EU DSO Entity, the single allocation platform established in accordance with Regulation (EU) 2016/1719, regional coordination centres and nominated electricity market operators , on approving the methodologies, terms and conditions in accordance with Article 4(4), Article 5(2), (3) and (4); on bidding zones reviews as referred to in Article 5(7); on technical issues as referred to in Article 6(1); on arbitration between regulators in accordance with Article 6(10); related to regional coordination centres as referred to in Article 7(2), point (a); on approving and amending methodologies and calculations and technical specifications as referred to in Article 9(1); on approving and amending methodologies as referred to in Article 9(3); on exemptions as referred to in Article 10; on infrastructure as referred to in Article 11 point (d); on matters	‘ (a) issue opinions and recommendations addressed to transmission system operators, the ENTSO for Electricity, the ENTSO for Gas, the EU DSO Entity, the single allocation platform established in accordance with Regulation (EU) 2016/1719, regional coordination centres and nominated electricity market operators , on approving the methodologies, terms and conditions in accordance with Article 4(4), Article 5(2), (3) and (4); on bidding zones reviews as referred to in Article 5(7); on technical issues as referred to in Article 6(1); on arbitration between regulators in accordance with Article 6(10); related to regional coordination centres as referred to in Article 7(2), point (a); on approving and amending methodologies and calculations and technical specifications as referred to in Article 9(1); on approving and amending methodologies as referred to in Article 9(3); on exemptions as referred to in Article 10; on infrastructure as referred to in Article 11 point (d); on matters	‘ (a) issue opinions and recommendations addressed to transmission system operators, the ENTSO for Electricity, the ENTSO for Gas, the EU DSO Entity, the single allocation platform established in accordance with **Commission** Regulation (EU) 2016/1719[1], the entity designated for the management of the integrated day-ahead and intraday market where applicable, ~~, regional coordination centres and nominated electricity market operators , on approving the methodologies, terms and conditions in accordance with Article 4(4), Article 5(2), (3) and (4); on bidding zones reviews as referred to in Article 5(7); on technical issues as referred to in Article 6(1); on arbitration between regulators in accordance with Article 6(10); related to~~ regional coordination centres ~~as referred to in Article 7(2), point (a); on approving and amending methodologies and calculations and technical specifications as referred to in Article 9(1); on approving and amending methodologies as referred to in Article 9(3); on exemptions as referred to in Article 10; on~~	‘ (aa) issue opinions and recommendations addressed to the single allocation platform established in accordance with Regulation (EU) 2016/1719 ***[and the entity designated for the management of integrated day-ahead and intraday markets, where applicable.]*** *To be considered:* *This amending Regulation should not amend Article 2(a) of the ACER Regulation, since this Article is already amended by the Gas Regulation recast.* *Thus, the text of this amendment has been redrafted with a new paragraph (aa) based on the explanations by the European Commission. The text includes the Commission proposal of a reference to the single allocation platform (already existing). In addition, the text in brackets is subject to the agreement on article 7&59*

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	related to wholesale market integrity and transparency pursuant to Article 12; ”	related to wholesale market integrity and transparency pursuant to Article 12; ”	~~infrastructure as referred to in Article 11 point (d); on matters related to wholesale~~**and nominated electricity** market ~~integrity and transparency pursuant to Article 12;~~**operators** ” ______ **1. Commission Regulation (EU) 2016/1719 of 26 September 2016 establishing a guideline on forward capacity allocation (OJ L 259, 27.9.2016, p. 42).**	*Electricity Regulation 2019/943.*
326	(b) point (d) is replaced by the following:	(b) point (d) is replaced by the following:	(b) point (d) is replaced by the following:	(b) point (d) is replaced by the following:
327	“ (d) issue individual decisions on the provision of information in accordance with Article 3(2), Article 7(2), point (b), and Article 8, point (c); on approving the methodologies, terms and conditions in accordance with Article 4(4), Article 5(2), (3) and (4); on bidding zones reviews as referred to in Article 5(7); on technical issues as referred to in Article 6(1); on arbitration	“ (d) issue individual decisions on the provision of information in accordance with Article 3(2), Article 7(2), point (b), and Article 8, point (c); on approving the methodologies, terms and conditions in accordance with Article 4(4), Article 5(2), (3) and (4); on bidding zones reviews as referred to in Article 5(7); on technical issues as referred to in Article 6(1); on arbitration	“ (d) issue individual decisions on the provision of information in accordance with Article 3(2), Article 7(2), point (b), and Article 8, point (c); on approving the methodologies, terms and conditions in accordance with Article 4(4), Article 5(2), (3) and (4); on bidding zones reviews as referred to in Article 5(7); on technical issues as referred to in Article 6(1); on arbitration between regulators in accordance with Article	“ (d) issue individual decisions on the provision of information in accordance with Article 3(2), Article 7(2), point (b), and Article 8, point (c); on approving the methodologies, terms and conditions in accordance with Article 4(4), Article 5(2), (3) and (4); on bidding zones reviews as referred to in Article 5(7); on technical issues as referred to in

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	between regulators in accordance with Article 6(10); related to regional coordination centres as referred to in Article 7(2), point (a); on approving and amending methodologies and calculations and technical specifications as referred to in Article 9(1); on approving and amending methodologies as referred to in Article 9(3); on exemptions as referred to in Article 10; on infrastructure as referred to in Article 11, point (d); on matters related to wholesale market integrity and transparency pursuant to Article 12, on approving and amending proposals from the ENTSO for electricity related to the regional virtual hubs pursuant to Article 5(9); and on approving and amending proposals from the ENTSO for electricity and the EU DSO entity related to the methodology concerning the data and analysis to be provided as regards the flexibility needs pursuant to Article 5(10). ; ”	between regulators in accordance with Article 6(10); related to regional coordination centres as referred to in Article 7(2), point (a); on approving and amending methodologies and calculations and technical specifications as referred to in Article 9(1); on approving and amending methodologies as referred to in Article 9(3); on exemptions as referred to in Article 10; on infrastructure as referred to in Article 11, point (d); on matters related to wholesale market integrity and transparency pursuant to Article 12, on approving and amending proposals from the ENTSO for electricity related to the regional virtual hubs pursuant to Article 5(9); and on approving and amending proposals from the ENTSO for electricity and the EU DSO entity related to the methodology concerning the data and analysis to be provided as regards the flexibility needs pursuant to Article 5(10). ; ”	6(10); related to regional coordination centres as referred to in Article 7(2), point (a); on approving and amending methodologies and calculations and technical specifications as referred to in Article 9(1); on approving and amending methodologies as referred to in Article 9(3); on exemptions as referred to in Article 10; on infrastructure as referred to in Article 11, point (d);– on matters related to wholesale market integrity and transparency pursuant to Article 12,~~, on approving and amending proposals from the ENTSO for electricity related to the regional virtual hubs pursuant to Article 5(9)~~; and on approving and amending proposals from the ENTSO for electricity and the EU DSO entity related to the methodology concerning the data and analysis to be provided as regards the flexibility needs pursuant to Article 5(10). ”; ”	Article 6(1); on arbitration between regulators in accordance with Article 6(10); related to regional coordination centres as referred to in Article 7(2), point (a); on approving and amending methodologies and calculations and technical specifications as referred to in Article 9(1); on approving and amending methodologies as referred to in Article 9(3); on exemptions as referred to in Article 10; on infrastructure as referred to in Article 11, point (d);– on matters related to wholesale market integrity and transparency pursuant to Article 12***~~,, on approving and amending proposals from the ENTSO for electricity related to the regional virtual hubs pursuant to Article 5(9)~~***; and on approving and amending proposals from the ENTSO for electricity and the EU DSO entity related to the methodology concerning the data and analysis to be provided as regards the flexibility needs pursuant to Article 5(10). ”; ” *To be considered:*

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
					The content of the ACER Regulation should be aligned with all ACER tasks in this EMD Regulation once a text is agreed. agreed in the EMD negotiations. *It has to be considered the nature of those tasks in order to check if they have to be referenced in this Article 2(d).*	
G	328	(2) in Article 3(2), the following fourth subparagraph is added:	(2) in Article 3(2), the following fourth subparagraph is added:	(2) in Article 3(2), the following ~~fourth~~ subparagraph is added:	(2) in Article 3(2), the following ~~fourth~~ subparagraph is added:	G
Y	329	" This paragraph shall also apply to the single allocation platform established in accordance with Regulation (EU) 2016/1719.; "	" This paragraph shall also apply to the single allocation platform established in accordance with Regulation (EU) 2016/1719.; "	" This paragraph shall also apply to the single allocation platform established in accordance with Regulation (EU) 2016/1719 **and to the entity designated for the management of the integrated day-ahead and intraday market where applicable.";** "	This paragraph shall also apply to the single allocation platform established in accordance with Regulation (EU) 2016/1719 ***[and to the entity designated for the management of the integrated day-ahead and intraday market where applicable.]";*** To be considered: *The text in*	Y

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
					brackets is subject to the agreement on article 7&59 Electricity Regulation 2019/943.	
G	330	(3) in Article 4, the following paragraph 9 is added:	(3) in Article 4, the following paragraph 9 is added:	(3) in Article 4, the following paragraph ~~9~~ is added:	(3) in Article 4, the following paragraph ~~9~~ is added:	G
Y	331	" 9. Paragraphs 6, 7 and 8 shall also apply to the single allocation platform established in accordance with Regulation (EU) 2016/1719.; "	" 9. Paragraphs 6, 7 and 8 shall also apply to the single allocation platform established in accordance with Regulation (EU) 2016/1719.; "	" 9. paragraphs 6, 7 and– 8 shall also apply to the single allocation platform established in accordance with Regulation (EU) 2016/1719 **and to the entity designated for the management of the integrated day-ahead and intraday market where applicable.**"; "	9. paragraphs 6, 7 and– 8 shall also apply to the single allocation platform established in accordance with Regulation (EU) 2016/1719 ***[and to the entity designated for the management of the integrated day-ahead and intraday market where applicable.]";*** *To be considered: The text in brackets is subject to the agreement on article 7&59 Electricity Regulation 2019/943.*	Y
G	332	(4) in Article 5(8), the following second subparagraph is added:";	(4) in Article 5(8), the following second subparagraph is added:";	(4) in Article 5(8), the following ~~second~~ subparagraph is added:"~~;~~	(4) in Article 5(8), the following ~~second~~ subparagraph is added:"~~;~~	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
333	" ACER shall monitor the single allocation platform established in accordance with Regulation (EU) 2016/1719. "	" ACER shall monitor the single allocation platform established in accordance with Regulation (EU) 2016/1719. "	" ACER shall monitor the single allocation platform established in accordance with Regulation (EU) 2016/1719 **and to the entity designated for the management of the integrated day-ahead and intraday market where applicable.**" "	" ACER shall monitor the single allocation platform established in accordance with Regulation (EU) 2016/1719 ***[and to the entity designated for the management of the integrated day-ahead and intraday market where applicable.]"*** *To be considered: The text in brackets is subject to the agreement on article 7&59 Electricity Regulation 2019/943*
334	(5) In Article 5, the following paragraph 9 is added:	(5) In Article 5, the following paragraph 9 is added:	*deleted*	*deleted*
335	" 9. ACER shall approve and where necessary amend the proposal from the ENTSO for electricity on the establishment of the regional virtual hubs for the forward market	" 9. ACER shall approve and where necessary amend the proposal from the ENTSO for electricity on the establishment of the regional virtual hubs for	*deleted*	*deleted*

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	pursuant to Article 9(2) of Regulation (EU) 2019/943. ”	the forward market pursuant to Article 9(2) of Regulation (EU) 2019/943. ”		
336	*(6)* In Article 5. the following paragraph 10 is added:	(6) In Article 5. the following paragraph 10 is added:	(6) in Article 5~~.~~**,** the following paragraph ~~10~~ is added:	
337	“ 10. ACER shall approve and where necessary amend the joint proposal from the ENTSO for electricity and the EU DSO entity related to the methodology concerning the data and analysis to be provided as regards the flexibility needs pursuant to Article 19e(5) of Regulation (EU) 2019/943. "	“ 10. ACER shall approve and where necessary amend the joint proposal from the ENTSO for electricity and the EU DSO entity related to the methodology concerning the data and analysis to be provided as regards the flexibility needs pursuant to Article 19e(5) of Regulation (EU) 2019/943. "	“ 10. ACER shall approve and where necessary amend the joint proposal from the ENTSO for electricity and the EU DSO entity related to the methodology concerning the data and analysis to be provided as regards the flexibility needs pursuant to Article 19~~e(5)~~**c(4)** of Regulation (EU) 2019/943.**"** "	“ 10. ACER shall approve and where necessary amend the joint proposal from the ENTSO for electricity and the EU DSO entity related to the methodology concerning the data and analysis to be provided as regards the flexibility needs pursuant to Article 19~~e(5)~~**c(4)** of Regulation (EU) 2019/943.**"** ”
337a			**(6a) in Article 6, paragraph 9, is amended as follows:**	Agreed ITM 11

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G 337b			**9. ACER shall submit opinions to the relevant regulatory authority and to the Commission pursuant to Article 8(3) and 16(3) of Regulation (EU) 2019/943.”**	**9. ACER shall submit opinions to the relevant regulatory authority and to the Commission pursuant to Article 8(1) and 16(3) of Regulation (EU) 2019/943.”** G
G 338	(7) in Article 15, the following paragraph 5 is added:	(7) in Article 15, the following paragraph 5 is added:	(7) in Article 15, the following paragraph ~~5~~ is added:	(7) in Article 15, the following paragraph ~~5~~ is added: G
G 339	“ 5. ACER shall issue a report analysing the national assessments of the flexibility needs and providing recommendations on issues of cross-border relevance regarding the findings of the regulatory authorities pursuant to Article 19e(6) of Regulation (EU) 2019/943.; ”	“ 5. ACER shall issue a report analysing the national assessments of the flexibility needs and providing recommendations on issues of cross-border relevance regarding the findings of the regulatory authorities pursuant to Article 19e(6) of Regulation (EU) 2019/943.; ”	“ 5. ACER shall issue a report analysing the national assessments of the flexibility needs and providing recommendations on issues of cross-border relevance regarding the findings of the regulatory authorities pursuant to Article 19~~e(6)~~**c(7)** of Regulation (EU) 2019/943.~~;~~**”** ”	5. ACER shall issue a report analysing the national assessments of the flexibility needs and providing recommendations on issues of cross-border relevance regarding the findings of the regulatory authorities pursuant to Article 19~~e(6)~~**c(7)** of Regulation (EU) 2019/943.~~;~~**”** G

Articles 50 and 57 in Electricity Regulation 2019/943 and 31 and 33 in Electricity Directive 2019/944

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
	Article 1, first paragraph, point (11)					
G	201	(11) Article 50 is amended as follows:	(11) Article 50 is amended as follows:	(11) Article 50 is amended as follows:	(11) Article 50 is amended as follows:	G
	Article 1, first paragraph, point (11)(a)					
G	202	(a) the following paragraph 4a is added:	(a) the following paragraph 4a is added:	(a) the following paragraph ~~4a~~ is added:	(a) the following paragraph 4a is added:	G
	Article 1, first paragraph, point (11)(a), amending provision, first paragraph, first subparagraph					
Y	203	" 4a. Transmission system operators shall publish in a clear and transparent manner, information on the capacity available for new connections in their respective areas of operation, including in congested areas if flexible energy storage connections can be accommodated, and update that information regularly, at least quarterly.	" 4a. Transmission system operators shall publish in a clear and transparent manner, information on the capacity available for new connections in their respective areas of operation ***with high resolution and grid granularity, while respecting security of classified information and data confidentiality***, including ***the criteria used to calculate such available capacity such as curtailment assumptions, the level of self-consumption capacity installed, topological and electrical characteristics of the***	" 4a. Transmission system operators shall publish in a clear and transparent manner, information on the capacity available for new connections in their respective areas of operation, including in congested areas if flexible energy storage connections can be accommodated, and update that information regularly, at least quarterly.	" 4a. Transmission system operators shall publish in a clear and transparent manner, information on the capacity available for new connections in their respective areas of operation ***with high spatial granularity, while respecting public security and data confidentiality***, including ***the capacity under connection request and the possibility of flexible connection*** in congested areas***. The publication shall include information on the criteria used to calculate available capacity for new*** ~~if flexible energy storage~~	Y

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		grid, and the demand and generation for the following five years and in congested areas if flexible ~~energy storage~~ connections can be accommodated~~,~~ ~~and~~***. Transmission system operators shall*** update that information ~~regularly~~***on a regular basis, and in any event***, at least ~~quarterly~~***every month. Before the publication of that information, transmission and distribution system operators shall consult all relevant system users on the criteria to be used to calculate such available capacity and shall submit to its regulatory authority a proposal for approval***.		connections***. Transmission system operators shall*** ~~can be accommodated, and~~ update that information ~~regularly~~***on a regular basis***, at least ~~quarterly~~ ***monthly***. *[Note:* *+ TSOs to update the information monthly and DSOs to do it quarterly* *+ Inclusion of reference to "curtailment assumptions" in recitals]*
Article 1, first paragraph, point (11)(a), amending provision, first paragraph, second subparagraph				
204	Transmission system operators shall also provide clear and transparent information to system users about the status and treatment of their connection requests. They shall provide such information within a period of three months from the submission of the request ; "	Transmission system operators shall ~~also~~ provide clear and transparent information to system users about the status and treatment of their connection requests***, including renewable generation and storage temporarily connected with a flexible connection agreement***. They shall provide such information within ~~a period of~~ three months from the submission of the request~~.~~***.'***;	Transmission system operators shall also provide clear and transparent information to system users about the status and treatment of their connection requests. They shall provide such information within a period of three months from the submission of the request ; "	Transmission system operators shall ~~also~~ provide clear and transparent information to system users about the status and treatment of their connection requests ***including, where relevant, those related to flexible connection agreements***. They shall provide such information within ~~a period of~~ three months from the submission of the request***. Where the requested connection is neither***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		"		***granted nor permanently rejected, distribution system operators shall update that information on a regular basis and at least quarterly.*** ~~;~~ ’
Article 1, first paragraph, point (12)				
G 205	(12) in Article 57, the following paragraph 3 is added:	(12) in Article 57, the following paragraph 3 is added:	(12) in Article 57, the following paragraph ~~3~~ is added:	(12) in Article 57, the following paragraph 3 is added: Text Origin: Commission Proposal G
Article 1, first paragraph, point (12), amending provision, numbered paragraph (3)				
206	“ 3. Distribution system operators and transmission system operators shall cooperate with each other in publishing information on the capacity available for new connections in their respective areas of operation in a consistent manner and giving sufficient granular visibility to developers of new energy projects and other potential network users. “	“ 3. Distribution system operators and transmission system operators shall cooperate with each other in publishing information on the capacity available for new connections in their respective areas of operation in a consistent manner and giving sufficient granular visibility to developers of new energy projects and other potential network users. ***They shall jointly publish, in a clear and transparent manner, the requirements of grid development and system services, and the required systems and processes to***	“ 3. Distribution system operators and transmission system operators shall cooperate with each other in publishing information on the capacity available for new connections in their respective areas of operation in a consistent manner and giving sufficient granular visibility to developers of new energy projects and other potential network users.” “	‘ 3. Distribution system operators and transmission system operators shall cooperate with each other in publishing information on the capacity available for new connections in their respective areas of operation in a consistent manner and giving sufficient granular visibility to developers of new energy projects and other potential network users. ’

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		facilitate its development. In addition, they shall cooperate with each other in publishing information on the installed electricity capacity of self-consumption.'; "		
Article 2, first paragraph, point (6a)				
274a		***(6a) in Article 31, paragraph 2 is replaced by the following:***	Directive	***(6a) in Article 31, paragraph 2 is replaced by the following:*** Text Origin: EP Mandate
Article 2, first paragraph, point (6a), amending provision, first paragraph				
Y 274b		" ***2. In any event, the distribution system operator shall not discriminate between system users or classes of system users, particularly in favour of its related undertakings, while taking into account specificities of renewable energy communities and citizen energy communities in their grid connection procedures in order to allow them to obtain access to the distribution system on an equal footing with other market participants.';*** "	Directive	' In any event, the distribution system operator shall not discriminate between system users or classes of system users, ***including renewable energy communities and citizen energy communities***, particularly in favour of its related undertakings. ' Y

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 2, first paragraph, point (7)				
G 275	(7) In Article 31, paragraph 3 is replaced by the following:	(7) In Article 31, paragraph 3 is replaced by the following:	(7) In Article 31, paragraph 3 is replaced by the following: Directive	(7) In Article 31, paragraph 3 is replaced by the following: G
Article 2, first paragraph, point (7), amending provision, numbered paragraph (3), first subparagraph				
276	" 3. The distribution system operator shall provide system users with the information they need for efficient access to, including use of, the system. In particular, the distribution system operator shall publish in a clear and transparent manner information on the capacity available for new connections in its area of operation, including in congested areas if flexible energy storage connections can be accommodated, and update that information regularly, at least quarterly.	" 3. The distribution system operator shall provide system users with the information they need for efficient access to, including ***the*** use of, the system. In particular, the distribution system operator shall publish in a clear and transparent manner information on the capacity available for new connections in its area of operation, including ***the criteria used to calculate that available capacity, such as curtailment assumptions, the level of self-consumption capacity installed, topological and electrical characteristics of the grid, the demand and generation for the next five years and*** in congested areas if flexible ~~energy storage~~ connections can be accommodated~~, and~~ ***temporarily until the decided network reinforcements have been***	" 3. The distribution system operator shall provide system users with the information they need for efficient access to, including use of, the system. In particular, the distribution system operator shall publish in a clear and transparent manner information on the capacity available for new connections in its area of operation, including in congested areas if flexible energy storage connections can be accommodated, and update that information regularly, at least quarterly. Directive	" 3. ~~The~~ Distribution system ~~operator~~***operators*** shall provide system users with the information they need for efficient access to, including use of, the system. In particular, ~~the~~ distribution system ~~operator~~***operators*** shall publish in a clear and transparent manner***,*** information on the capacity available for new connections in its area of operation, ***with high spatial granularity, while respecting public security and data confidentiality,*** including ***the capacity under connection request and the possibility of flexible connection*** in congested areas***. The publication shall include information on the criteria used to calculate available capacity for new*** ~~if flexible energy storage~~ connections***. Distribution system operators shall*** ~~can be~~

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		accomplished. The distribution system operator shall update that information ~~regularly,~~ ***on a regular basis, and in any event*** at least ~~quarterly~~***every month***.		~~accommodated, and~~ update that information ~~regularly~~***on a regular basis, and in any event***, at least quarterly.
Article 2, first paragraph, point (7), amending provision, numbered paragraph (3), second subparagraph				
277	Distribution system operators shall also provide clear and transparent information to system users about the status and treatment of their connection requests. They shall provide such information within a period of three months from the submission of the request. ”	Distribution system operators shall also provide clear and transparent information to system users about the status and treatment of their connection requests ***including a timeline of procedures and cost estimates for needed grid reinforcements***. They shall provide such information within a period of three months from the submission of the request. ***Where the requested connection is neither granted nor permanently rejected, the distribution system operator shall update that information on a regular basis and, in any event, at least every month.***	Distribution system operators shall also provide clear and transparent information to system users about the status and treatment of their connection requests. They shall provide such information within a period of three months from the submission of the request.” Directive	Distribution system operators shall also provide clear and transparent information to system users about the status and treatment of their connection requests. They shall provide such information within a period of three months from the submission of the request. ***Where the requested connection is neither granted nor permanently rejected, distribution system operators shall update that information on a regular basis and, in any event, at least quarterly.***
Article 2, first paragraph, point (7), amending provision, numbered paragraph (3a)				
277a		***Distribution system operators shall provide system users the option to request grid connection and submit relevant documents exclusively in digital form. The Commission shall review the***	Directive	***3a. Distribution system operators shall provide system users the option to request grid connection and submit relevant documents exclusively in digital form.***

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		national standards by ... [12 months after the date entry into force of this amending Regulation] and shall submit a proposal for harmonised standards.'; ”		
Article 2, first paragraph, point (7), amending provision, numbered paragraph (3b)				
277b			**3a. Member States may decide not to apply paragraph 3 to integrated electricity undertakings which serve less than 100 000 connected customers, or serving small isolated systems.”** ” Directive	3b. Member States may decide not to apply paragraph 3 to integrated electricity undertakings which serve less than 100 000 connected customers, or serving small isolated systems. ***Member States may apply a lower threshold of connected customers.*** ***Member States shall encourage integrated electricity undertakings which serve less than 100 000 connected customers to provide system users with the information described in paragraph 3 on an annual basis and promote cooperation between distribution system operators for this purpose.***
Article 2, first paragraph, point (7a)				
277c		***(7a) in Article 33, paragraph 1 is replaced by the following:***	Directive	
Article 2, first paragraph, point (7), amending provision, numbered paragraph (3c)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
277d		" *1. Without prejudice to Directive 2014/94/EU of the European Parliament and of the Council[1], Member States shall provide the necessary regulatory framework to facilitate the connection of publicly accessible and private recharging points with smart charging functionalities and bidirectional charging functionalities in accordance with Article 20a of Directive (EU) 2018/2001 to the distribution networks. Member States shall ensure that distribution system operators cooperate on a non-discriminatory basis with any undertaking that owns, develops, operates or manages recharging points for electric vehicles, including with regard to connection to the grid. Member States shall ensure that distribution system operators connect system users within six months when no grid reinforcement is needed, and one year, if reinforcement is needed, without prejudice to the relevant public consultation and environmental impact assessments where applicable.';*	Directive	*3c. Without prejudice to Directive 2014/94/EU, Member States shall provide the necessary regulatory framework to facilitate the connection of publicly accessible and private recharging points with smart charging functionalities and bidirectional charging functionalities in accordance with Article 20a of Directive (EU) 2018/2001 to the distribution networks. Member States shall ensure that distribution system operators cooperate on a non-discriminatory basis with any undertaking that owns, develops, operates or manages recharging points for electric vehicles, including with regard to connection to the grid.* ,

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		" ___________ *__1__. __Directive 2014/94/EU of the European Parliament and of the Council of 22 October 2014 on the deployment of alternative fuels infrastructure (OJ L 307 28.10.2014, p. 1).__*		