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General Secretariat

Brussels, 06 November 2023

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LIMITE

ENER

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CONTRIBUTION

From:	General Secretariat of the Council
To:	Working Party on Energy
Subject:	Revised AT comments on the Electricity Market Design Regulation (ST 14464/23)

Delegations will find in the annex the revised AT comments on the the Electricity Market Design Regulation (ST 14464/23).



Council of the
European Union

Brussels, 20 October 2023
(OR. en)

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NOTE

From:	General Secretariat of the Council
To:	Delegations
No. Cion doc.:	7440/23 + ADD 1
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

Delegations will find in the annex the **4-column document** for **Electricity Market Design**.

Delegations are invited to send **written comments** on the content of all articles by **30 October (COB)** to:

- the Presidency (Maria.Jimenez@reper.maec.es; Gonzalo.Fernandez@reper.maec.es); and
- the Secretariat (energy@consilium.europa.eu).

Delegations are invited to provide their comments directly in the 4th column of the document.

When sending their contributions, Member States are invited to explain their views and to indicate in which cases there is room to show flexibility towards the EP's position and in which cases they consider that the Council's position must be retained (and why).

PUBLIC

**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 (Text with EEA relevance)
2023/0077(COD)**

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Formula				
1	2023/0077 (COD)	2023/0077 (COD)	2023/0077 (COD)	
Proposal Title				
2	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 (Text with EEA relevance)	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 (Text with EEA relevance)	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 (Text with EEA relevance)	
Formula				
3				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	
Citation 1				
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 194(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 194(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 194(2) thereof,	
Citation 2				
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	
Citation 3				
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	
Citation 4				
7	Having regard to the opinion of the European Economic and Social Committee,	Having regard to the opinion of the European Economic and Social Committee,	Having regard to the opinion of the European Economic and Social Committee,	
Citation 5				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
8	Having regard to the opinion of the Committee of the Regions,	Having regard to the opinion of the Committee of the Regions,	Having regard to the opinion of the Committee of the Regions,	
Citation 6				
9	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	
Formula				
10	Whereas:	Whereas:	Whereas:	
Recital 1				
11	<p>(1) Very high prices and volatility in electricity markets have been observed since September 2021. As set out by the European Agency for the Cooperation of Energy Regulators ('ACER') in its April 2022 assessment of EU wholesale electricity market design¹, this is mainly a consequence of the high price of gas, which is used as an input to generate electricity.</p> <p>¹ European Union Agency for the Cooperation of Energy Regulators, ACER's Final Assessment of the EU</p>	<p>(1) Very high prices and volatility in electricity markets have been observed since September 2021. As set out by the European Agency for the Cooperation of Energy Regulators ('ACER') in its April 2022 assessment of EU wholesale electricity market design¹, this is mainly a consequence of the <u>gas supply crisis, the</u> high price of gas, which is used as an input to generate electricity. <u>Additional factors, such as maintenance, corrosion problems or outages experienced in several nuclear reactors as well</u></p>	<p>(1) Very high prices and volatility in electricity markets have been observed since September 2021. As set out by the European Agency for the Cooperation of Energy Regulators ('ACER') in its April 2022 assessment of EU wholesale electricity market design¹, this is mainly a consequence of the high price of gas, which is used as an input to generate electricity.</p> <p>¹ European Union Agency for the Cooperation of Energy Regulators, ACER's Final Assessment of the EU</p>	AT approves the EP addition, clarifying the multiple causes of the energy crisis.

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	Wholesale Electricity Market Design, April 2022.	<p><u>as low hydropower output further amplified the increase in electricity prices.</u></p> <p>1. European Union Agency for the Cooperation of Energy Regulators, ACER's Final Assessment of the EU Wholesale Electricity Market Design, April 2022.</p>	Wholesale Electricity Market Design, April 2022.	
Recital 2				
12	(2) The escalation of the Russian military aggression against Ukraine, a Contracting Party of the Energy Community, and related international sanctions since February 2022 have disrupted global energy markets, exacerbated the problem of high gas prices, and have had significant knock-on impacts on electricity prices. The Russian invasion of Ukraine has also caused uncertainty on the supply of other commodities, such as hard coal and crude oil, used by power-generating installations. This has resulted in substantial additional increases in the volatility of price levels of electricity.	(2) The escalation of the Russian military aggression against Ukraine, a Contracting Party of the Energy Community, and related international sanctions since February 2022 have disrupted global energy markets, exacerbated the problem of high gas prices, and have had significant knock-on impacts on electricity prices. The <u>unjustified</u> Russian invasion of Ukraine has also caused uncertainty on the supply of other <u>fossil energy</u> commodities, such as hard coal and crude oil, used by power-generating installations. This has resulted in substantial additional increases in the volatility of price levels of electricity.	(2) The escalation of the Russian military aggression against Ukraine, a Contracting Party of the Energy Community, and related international sanctions since February 2022 have disrupted global energy markets, exacerbated the problem of high gas prices, and have had significant knock-on impacts on electricity prices. The Russian invasion of Ukraine has also caused uncertainty on the supply of other commodities, such as hard coal and crude oil, used by power-generating installations. This has resulted in substantial additional increases in the volatility of price levels of electricity.	AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 3				
13	<p>(3) In response to this situation, the Communication on Energy Prices presented by the Commission in October 2021 contained a toolbox of measures that the EU and its Member States may use to address the immediate impact of high energy prices on households and businesses (including income support, tax breaks, gas savings and storage measures) and to strengthen resilience against future price shocks. In its Communication of 8 March 2022 entitled ‘REPowerEU: Joint European Action for more affordable, secure and sustainable energy’¹ the Commission outlined a series of additional measures to strengthen the toolbox and to respond to rising energy prices. On 23 March 2022, the Commission also established a temporary State Aid regime to allow certain subsidies to soften the impact of high energy prices.²</p> <p>1. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the</p>	<p>(3) In response to this situation, the Communication on Energy Prices presented by the Commission in October 2021 contained a toolbox of measures that the EU and its Member States may use to address the immediate impact of high energy prices on households and businesses (including income support, tax breaks, gas savings, <u>and energy savings</u> and storage measures) and to strengthen resilience against future price shocks. In its Communication of 8 March 2022 entitled ‘REPowerEU: Joint European Action for more affordable, secure and sustainable energy’¹ the Commission outlined a series of additional measures to strengthen the toolbox and to respond to rising energy prices. On 23 March 2022, the Commission also established a temporary State Aid regime to allow certain subsidies to soften the impact of high energy prices.²</p> <p>1. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the</p>	<p>(3) In response to this situation, the Commission presented in October 2021 the Communication entitled "Tackling rising energy prices: a toolbox for action and support" which presented by the Commission in October 2021 contained a toolbox of measures that the EU Union and its Member States may use to address the immediate impact of high energy prices on households and businesses, (including income support, tax breaks, gas savings and storage measures) and to strengthen resilience against future price shocks. In its Communication of 8 March 2022 entitled ‘REPowerEU: Joint European Action for more affordable, secure and sustainable energy’¹, the Commission outlined a series of additional measures to strengthen the toolbox and to respond to rising energy prices. On 23 March 2022, the Commission also established a temporary State Aid regime to allow certain subsidies to soften the impact of high energy prices.²</p> <p>_____</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>Committee of the Regions - REPowerEU: Joint European Action for more affordable, secure and sustainable energy, COM/2022/108 final</p> <p>2. Communication from the Commission Temporary Crisis Framework for State Aid measures to support the economy following the aggression against Ukraine by Russia C 131 I/01, C/2022/1890.</p>	<p>Committee of the Regions - REPowerEU: Joint European Action for more affordable, secure and sustainable energy, COM/2022/108 final</p> <p>2. Communication from the Commission Temporary Crisis Framework for State Aid measures to support the economy following the aggression against Ukraine by Russia C 131 I/01, C/2022/1890.</p>	<p>1. [1] Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions - REPowerEU: Joint European Action for more affordable, secure and sustainable energy, COM/2022/108 final</p> <p>2. [2] Communication from the Commission Temporary Crisis Framework for State Aid measures to support the economy following the aggression against Ukraine by Russia C 131 I/01, C/2022/1890.</p>	
Recital 4				
14	<p>(4) On 18 May 2022 the Commission presented the REPowerEU plan¹ that introduced additional measures focusing on energy savings, diversification of energy supplies and accelerated roll-out of renewable energy aiming at ending the Union's dependency on Russian fossil fuels, including a proposal to increase the Union's 2030 target for renewables to 45%. Furthermore, the Communication on Short-Term Energy Market Interventions and Long-Term Improvements to the Electricity Market Design², in addition to setting out additional short-term</p>	<p>(4) On 18 May 2022 the Commission presented the REPowerEU plan¹ that introduced additional measures focusing on energy savings, diversification of energy supplies, <u>increased energy efficiency targets</u> and accelerated roll-out of renewable energy aiming at ending the Union's dependency on Russian fossil fuels, including a proposal to increase the Union's 2030 target for renewables to 45%45%. Furthermore, the Communication on Short-Term Energy Market Interventions and Long-Term Improvements to the Electricity Market Design², in addition to</p>	<p>(4) On 18 May 2022 the Commission presented the REPowerEU plan¹ that introduced additional measures focusing on energy savings, diversification of energy supplies and accelerated roll-out of renewable energy aiming at ending the Union's dependency on Russian fossil fuels, including a proposal to increase the Union's 2030 target for renewables to 45%. Furthermore, the Communication on Short-Term Energy Market Interventions and Long-Term Improvements to the Electricity Market Design², in addition to setting out additional short-term</p>	<p>AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>measures to tackle high energy prices identified potential areas for improving the electricity market design and announced the intention to assess these areas with a view to change the legislative framework.</p> <p>1. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions - REPowerEU Plan, COM(2022)230.</p> <p>2. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Short-Term Energy Market Interventions and Long Term Improvements to the Electricity Market Design – a course for action, COM(2022) 236 final.</p>	<p>setting out additional short-term measures to tackle high energy prices identified potential areas for improving the electricity market design and announced the intention to assess these areas with a view to change the legislative framework.</p> <p>1. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions - REPowerEU Plan, COM(2022)230.</p> <p>2. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Short-Term Energy Market Interventions and Long Term Improvements to the Electricity Market Design – a course for action, COM(2022) 236 final.</p>	<p>measures to tackle high energy prices, identified potential areas for improving the electricity market design and announced the intention to assess these areas with a view to changechanging the legislative framework.</p> <p>1. [1] Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions - REPowerEU Plan, COM(2022)230.</p> <p>2. [2] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Short-Term Energy Market Interventions and Long Term Improvements to the Electricity Market Design – a course for action, COM(2022) 236 final.</p>	
Recital 5				
15	<p>(5) To address urgently the price crisis and security concerns and to tackle the price hikes for citizens, and based on a series of Commission proposals, the Union adopted a strong gas storage regime¹, effective demand reduction measures for gas and</p>	<p>(5) To address urgently the price crisis and security concerns and to tackle the price hikes for citizens, and based on a series of Commission proposals, the Union adopted a strong gas storage regime¹, effective demand reduction measures for gas and</p>	<p>(5) In order to address urgently the price crisis and security concerns and to tackle the price hikes for citizens, and based on a series of Commission proposals, the Union adoptedthe Union adopted several legal acts, such as Regulation (EU) 2022/1032 of</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>electricity², price limiting regimes to avoid windfall profits in both gas and electricity markets³ and measures to accelerate the permit-granting procedures for renewable energy installations⁴.</p> <p>1. Regulation (EU) 2022/1032 of the European Parliament and of the Council of 29 June 2022 amending Regulations (EU) 2017/1938 and (EC) No 715/2009 with regard to gas storage (Text with EEA relevance), OJ L 173</p> <p>2. Council Regulation (EU) 2022/1369 of 5 August 2022 on coordinated demand-reduction measures for gas, OJ L 206 and Council Regulation (EU) 2022/1854 of 6 October 2022 on an emergency intervention to address high energy prices, OJ L 261</p> <p>3. Council Regulation (EU) 2022/1854 of 6 October 2022 on an emergency intervention to address high energy prices, OJ L 261.</p> <p>4. Council Regulation (EU) 2022/2577 of 22 December 2022 laying down a framework to accelerate the deployment of renewable energy, OJ L 335, 29.12.2022.</p>	<p>electricity², price limiting regimes to avoid windfall profits in both gas and electricity markets³ and measures to accelerate the permit-granting procedures for renewable energy installations⁴.</p> <p>1. Regulation (EU) 2022/1032 of the European Parliament and of the Council of 29 June 2022 amending Regulations (EU) 2017/1938 and (EC) No 715/2009 with regard to gas storage (Text with EEA relevance), OJ L 173</p> <p>2. Council Regulation (EU) 2022/1369 of 5 August 2022 on coordinated demand-reduction measures for gas, OJ L 206 and Council Regulation (EU) 2022/1854 of 6 October 2022 on an emergency intervention to address high energy prices, OJ L 261</p> <p>3. Council Regulation (EU) 2022/1854 of 6 October 2022 on an emergency intervention to address high energy prices, OJ L 261.</p> <p>4. Council Regulation (EU) 2022/2577 of 22 December 2022 laying down a framework to accelerate the deployment of renewable energy, OJ L 335, 29.12.2022.</p>	<p>the European Parliament and of the Council¹ establishing a strong gas storage regime^{1, 2}, Council Regulation (EU) 2022/1369³ providing effective demand reduction measures for gas and electricity^{2, 4}, Council Regulation (EU) 2022/1854⁵ establishing price limiting regimes to avoid windfall profits in both gas and electricity markets³ and⁶ and Council Regulation (EU) 2022/2577⁷ establishing measures to accelerate the permit-granting procedures for renewable energy installations⁴⁸.</p> <p>1. [1] Regulation (EU) 2022/1032 of the European Parliament and of the Council of 29 June 2022 amending Regulations (EU) 2017/1938 and (EC) No 715/2009 with regard to gas storage (Text with EEA relevance), OJ L 173, 30.6.2022, p. 17)</p> <p>2. Council [2] Regulation (EU) 2022/1369 of 5 August 2022 on coordinated demand-reduction measures for gas, OJ L 206 and Council Regulation (EU) 2022/1854 of 6 October 2022 on an emergency intervention to address high energy prices, OJ L 261</p> <p>2022/1032 of the European Parliament and of the Council of 29 June 2022 amending Regulations (EU) 2017/1938 and (EC) No 715/2009 with regard to gas storage (Text with EEA relevance), OJ L 173</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>3. [3] Council Regulation (EU) 2022/1369 of 5 August 2022 on coordinated demand-reduction measures for gas, OJ L 206 and Council Regulation (EU) 2022/1854 of 6 October 2022 on an emergency intervention to address high energy prices- (OJ L 206, 8.8.2022, p.1-261. 1)</p> <p>4. [4] Council Regulation (EU) 2022/2577 of 22 December 2022 laying down a framework to accelerate the deployment of renewable2022/1369 of 5 August 2022 on coordinated demand-reduction measures for gas, OJ L 206 and Council Regulation (EU) 2022/1854 of 6 October 2022 on an emergency intervention to address high energy prices, OJ L 261, OJ L 335, 29.12.2022.</p> <p>5. [5] Council Regulation (EU) 2022/1854 of 6 October 2022 on an emergency intervention to address high energy prices (OJ L 261I, 7.10.2022, p. 1)</p> <p>6. [6] Council Regulation (EU) 2022/1854 of 6 October 2022 on an emergency intervention to address high energy prices, OJ L 261.</p> <p>7. [7] Council Regulation (EU) 2022/2577 of 22 December 2022 laying down a framework to accelerate the deployment of renewable energy (OJ L 335, 29.12.2022, p.36).</p> <p>8. [8] Council Regulation (EU) 2022/2577 of 22 December 2022 laying down a framework to accelerate the deployment of renewable energy, OJ L 335, 29.12.2022.</p>	
Recital 6				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
16	<p>(6) A well-integrated market which builds on the Clean Energy for all Europeans Package adopted in 2018 and 2019¹ should allow the Union to reap the economic benefits of a single energy market in normal market circumstances, ensuring security of supply and sustaining the decarbonisation process. Cross-border interconnectivity also ensures safer, more reliable and efficient operation of the power system.</p> <p>1. Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, OJ L 328, 21.12.2018, p. 1; Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (recast), OJ L 328, 21.12.2018, p. 82; Directive (EU) 2018/2002 of the European Parliament and of the Council of 11 December 2018 amending Directive 2012/27/EU on energy efficiency, OJ L 328, 21.12.2018, p. 210; 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 (recast), OJ L 158, 14.6.2019, p. 22; Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (recast), OJ</p>	<p>(6) A well-integrated market which builds on the Clean Energy for all Europeans Package adopted in 2018 and 2019¹ should allow the Union to reap the economic benefits of a single energy market in normal market<u>all</u> circumstances, <u>including during electricity prices crisis</u>, ensuring security of supply and sustaining the decarbonisation process <u>to achieve the climate neutrality objective</u>. Cross-border interconnectivity also ensures safer, more reliable and efficient operation of the power system, <u>and better resilience to short-term price shocks. To that end, the Commission should consider how to improve monitoring and enforcement of Regulation (EU) 2019/943, including the obligation to make 70 % of interconnector capacity available for cross-border trade. Furthermore, the Commission should consider increasing that obligation, and limiting possible derogations therefrom, in order to make the electricity market fit for an energy system primarily based on renewable energy, which</u></p>	<p>(6) A well-integrated energy market which builds on the Clean energy for all Europeans package¹ adopted in 2018 and 2019¹² ("Clean Energy Package") should allow the Union to reap the economic benefits of a single energy market in normal market circumstances, ensuring security of supply and sustaining the decarbonisation process. Cross-border interconnectivity also ensures a safer, more reliable and efficient operation of the power system.</p> <p>1. [1] Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action; (OJ L 328, 21.12.2018, p. 4 1); Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (recast), OJ L 328, 21.12.2018, p. 82); Directive (EU) 2018/2002 of the European Parliament and of the Council of 11 December 2018 amending Directive 2012/27/EU on energy efficiency; (OJ L 328, 21.12.2018, p. 210); 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 (recast), OJ L 158, 14.6.2019, p. 22);</p>	<p>AT comment:</p> <p>The impact of increasing the interconnector target is unclear: For example, increasing the 70% availability obligation could desincentivise from increasing the overall interconnector capacity in the first place.</p> <p>AT supports the EPs target to make the electricity fit for an electricity system primarily based on renewable energy, yet recommends that any change to the interconnector obligation is linked to a preceding impact assessment.</p>

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	L 158, 14.6.2019, p. 54; 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 (recast), OJ L 158, 14.6.2019, p. 125.	<p><u><i>requires more and better interconnection to sustain a high security of supply.</i></u></p> <p>1. Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, (OJ L 328, 21.12.2018, p. 1 <u>1</u>); Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (recast), OJ L 328, 21.12.2018, p. 82; Directive (EU) 2018/2002 of the European Parliament and of the Council of 11 December 2018 amending Directive 2012/27/EU on energy efficiency, (OJ L 328, 21.12.2018, p. 210); 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 (recast), OJ L 158, 14.6.2019, p. 22; Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (recast), OJ L 158, 14.6.2019, p. 54; 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 (recast), OJ L 158, 14.6.2019, p. 125.</p>	<p>Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity- (recast), OJ L 158, 14.6.2019, p. 54); 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 (recast), OJ L 158, 14.6.2019, p. 125).</p> <p>2. [2] Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, OJ L 328, 21.12.2018, p. 1; Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (recast), OJ L 328, 21.12.2018, p. 82; Directive (EU) 2018/2002 of the European Parliament and of the Council of 11 December 2018 amending Directive 2012/27/EU on energy efficiency, OJ L 328, 21.12.2018, p. 210; 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 (recast), OJ L 158, 14.6.2019, p. 22; Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (recast), OJ L 158, 14.6.2019, p. 54; 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 (recast), OJ L 158, 14.6.2019, p. 125.</p>	

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Recital 6a				
16a		<p><i><u>(6a) Strengthening the internal energy market and achieving the climate and energy transition objectives require a substantial upgrade of the Union's electricity network to be able to host substantial increases of renewable capacity, variability on generation amounts, changing electricity flow patterns across Europe and new demand such as electric vehicles and heat pumps. Investments in grids are crucial to the proper functioning of the internal market, to the integration of renewable energy, to support security of supply and to effectively connect energy supply and demand in a context where those locate further apart, and the deliverance and Union climate and energy targets require efficient resource use within and across borders. Until the end of 2030, the Union will require EUR 584 billion investments to cover the needs of electricity grids alone, both transmission and distribution. The challenge is particularly notable at distribution level, given</u></i></p>		<p>Text Origin: EP Mandate</p> <p>AT approves the EPs addition that emphasises the need for an upgrade of the EU electricity network.</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>the growing amount of renewable generation capacity connected to distribution grids, which will connect most new renewable projects, and the developments towards the electrification and smartening of energy demand. A failure to expand, upgrade and smarten the distribution grids accordingly could put at risk delivering on the Union's renewable targets, delaying the connection to the network of new renewable capacities; could hamper the possibility for consumers to become active players of the energy transition; and ultimately delay the completion of the internal energy market.</u>		
Recital 6b				
16b		<u>(6b) An interconnected European electricity network is essential for the European security of supply and competitiveness, as well as for the better achievement of the decarbonisation targets to which the Union has committed itself and to facilitate affordable, safe and sustainable energy.</u>		AT approves the EPs addition that emphasises the need for interconnected approach to the transition compared to a national approach.

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		<p><u>Therefore, any reform of the Union's electricity market should contribute to a more integrated European electricity network. It is particularly important to ensure that each Member State has in place interconnection capacity of at least 15 % to allow electricity produced on its territory to be transported across its borders to neighbouring countries. This is particularly important for the Iberian peninsula and for other European regions which need to extend their grid interconnections, but where progress is still slow and challenged by several aspects. Therefore, the Union and Member States should strengthen their cooperation to remove barriers, facilitate financing and accelerate all procedures to ensure that the minimum 15 % electricity interconnection target for 2030 laid down in Article 4, point (d)(1), of Regulation (EU) 2018/1999 is met.</u></p>		
Recital 6c				
16c		<p><u>(6c) Building and upgrading the Union's electricity network and</u></p>		<p>Austria demonstrates flexibility regarding the text proposed by the European Parliament (EP).</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>connectivity infrastructure, such as the projects of common European interest as established by the framework concerning the Trans-European Networks for Energy, including through submarine cables, can contribute to connect remote areas and islands, thus providing adequate connectivity to all Union citizens. An appropriate investment in revitalising isolated territories, such as islands and rural areas, can bring major opportunities to citizens and undertakings to participate in the energy transition and the digital transformation of the Union. Special consideration should be given to the outermost regions as referred to in Article 349 of the Treaty on the Functioning of the Union (TFEU), which recognises their specific constraints and provides for the adoption of specific measures in their regard.</u>		
Recital 7				
17	(7) The current electricity market design has also helped the emergence of new and innovative products, services and measures	(7) The current electricity market design has also helped the emergence of new and innovative products, services and measures	(7) The current electricity market design has also helped the emergence of new and innovative products, services and measures	Austria demonstrates flexibility regarding the text proposed by the European Parliament (EP).


	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>on retail electricity markets, supporting energy efficiency and renewable energy uptake and enhancing choice so as to help consumers reduce their energy bills also through small-scale generation installations and emerging services for providing demand response. Building on and seizing the potential of the digitalisation of the energy system, such as active participation by consumers, should be a key element of our future electricity markets and systems. At the same time, there is a need to respect consumer choices and allow consumers to benefit from a variety of contract offers.</p>	<p>on retail electricity markets, supporting energy efficiency and renewable energy uptake and enhancing choice so as to help consumers reduce their energy bills also through small-scale generation installations and emerging services for providing demand response. Building on and seizing the potential of the digitalisation of the energy system, such as active participation by consumers, should be a key element of our future electricity markets and systems. At the same time, there is a need to respect consumer choices, <u>shield household consumers from high prices, manipulation and abuse</u> and allow consumers to benefit from a variety of contract offers. <u>Energy system integration should be intended as the planning and operation of the energy system as a whole, across multiple energy carriers, infrastructures, and consumption sectors, by creating stronger links between them, in synergy with each other and supported by digitalisation with the objective of delivering affordable, reliable and resource-</u></p>	<p>on retail electricity markets, supporting energy efficiency and renewable energy uptake and enhancing choice so as to help consumers reduce their energy bills also through small-scale generation installations and emerging services for providing demand response. Building on and seizing the potential of the digitalisation of the energy system, such as active participation by consumers, should be a key element of our future electricity markets and systems. At the same time, there is a need to respect consumer choices and allow consumers to benefit from a variety of contract offers.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>efficient energy services, at the least possible cost for society.</u>		
Recital 8				
18	(8) In the context of the energy crisis, the current electricity market design has however also revealed a number of important shortcomings linked to the impact of high and volatile fossil fuel prices on short-term electricity markets, which expose households and companies to significant price spikes with effects on their electricity bills.	(8) In the context of the energy crisis, the current electricity market design has however also revealed a number of important shortcomings <u>and unexpected consequences</u> linked to the impact of high and volatile fossil fuel prices on short-term electricity markets, which expose households and companies to significant price spikes with effects on their electricity bills.	(8) However , in the context of the energy crisis, the current electricity market design has however also revealed a number of important shortcomings linked to the impact of high and volatile fossil fuel prices on short-term electricity markets, which expose households and companies to significant price spikes with effects on their electricity bills.	
Recital 9				
19	(9) A faster deployment of renewable energy and clean flexible technologies constitutes the most sustainable and cost-effective way of structurally reducing the demand for fossil fuels for electricity generation and for direct consumption through electrification and energy system integration. Thanks to their low operational costs, renewable sources can positively impact	(9) A faster deployment of renewable-energy and clean flexible technologies constitutes the most sustainable and cost-effective way of structurally reducing the demand for fossil fuels for electricity generation and for direct consumption through electrification and energy system integration. Thanks to their low operational costs, renewable sources can positively impact	(9) A faster deployment of renewable-energy and clean flexible technologies constitutes the most sustainable and cost-effective way of structurally reducing the demand for fossil fuels for electricity generation and for direct consumption through electrification and energy system integration. Thanks to their low operational costs, renewable sources can positively impact	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	electricity prices across the Union and reduce direct consumption of fossil fuels.	electricity prices across the Union and reduce direct consumption of fossil fuels.	electricity prices across the Union and reduce direct consumption of fossil fuels.	
Recital 10				
20	(10) The changes to the electricity market design should ensure that the benefits from rising renewable power deployment, and the energy transition as a whole, are brought to consumers, including the most vulnerable ones, and ultimately, shield them from energy crises and avoid more households falling into energy poverty trap. These should mitigate the impact of high fossil fuel prices, notably that of gas, on electricity prices, aiming to allow households and companies to reap the benefits of affordable and secure energy from sustainable renewable and low carbon sources in the longer term.	(10) The changes to the electricity market design should ensure that the benefits from rising renewable power deployment, and the energy transition as a whole, are brought to consumers, including the most vulnerable ones, and ultimately, shield them from energy crises and avoid more households falling into energy poverty trap. These should mitigate the impact of high fossil fuel prices, notably that of gas, on electricity prices, aiming to allow households and companies to reap the benefits of affordable and secure energy from sustainable renewable and low carbon sources in the longer term, <u>as well as the role of energy efficient solutions in reducing overall energy costs, which may reduce the need for power grid and generation capacity expansion.</u>	(10) The changes to the electricity market design should ensure that the benefits from rising renewable power deployment, and the energy transition as a whole, are brought to consumers, including the most vulnerable ones, and ultimately, shield them from energy crises and avoid more households falling into an energy poverty trap. These Those changes should mitigate the impact of high fossil fuel prices, notably that of gas, on electricity prices, aiming to allow households and companies to reap the benefits of affordable and secure energy from sustainable renewable and low carbon sources in the longer term.	AT with preference for council version. Electricity consumption in times of negative electricity prices is to be promoted.
Recital 11				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
21	(11) The reform of the electricity market design should benefit not just household consumers but also the competitiveness of the Union's industries by facilitating their possibilities to make the clean tech investments they require to meet their net zero transition paths. The energy transition in the Union needs to be supported by a strong clean technology manufacturing basis. These reforms will support the affordable electrification of industry and the Union's position as a global leader in terms of research and innovation in clean energy technologies.	(11) The reform of the electricity market design should <u>aim to achieve affordable and competitive electricity prices for all consumers. As such, it should</u> benefit not just <u>only</u> household consumers but also the competitiveness of the Union's industries by facilitating their possibilities to make the clean tech investments they require to meet their net zero transition paths. The energy transition in the Union needs to be supported by a strong clean technology manufacturing basis. These reforms will <u>help industry to secure their access to affordable and continuous supply of clean power and heat and</u> support the affordable electrification of industry, <u>including on-site renewables and high efficiency cogeneration uptake,</u> and the Union's position as a global leader in terms of research and innovation in clean energy technologies.	(11) The reform of the electricity market design should benefit not just household consumers but also the competitiveness of the Union's industries by facilitating their possibilities to make the clean tech investments they require to meet their net zero transition paths. The energy transition in the Union needs to be supported by a strong clean technology manufacturing basis. These reforms will support the affordable electrification of industry and the Union's position as a global leader in terms of research and innovation in clean energy technologies.	AT comment: Omit the explicit mention of cogeneration uptake, as it might entail higher co2 emissions.
Recital 12				
22	(12) Well-functioning and efficient short-term markets are a	(12) Well-functioning and efficient short-term markets are a	(12) Well-functioning and efficient short-term markets are a	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	key tool for the integration of renewable energy and flexibility sources in the market and facilitate energy system integration in a cost-effective manner.	key tool for the integration of renewable energy and flexibility sources in the market and facilitate energy system integration in a cost-effective manner.	key tool for the integration of renewable energy and flexibility sources in the market and facilitate energy system integration in a cost-effective manner.	
Recital 12a				
22a		<p><u>(12a) As the Court of Auditors concluded in its Special Report 03/2023, entitled ‘Internal electricity market integration’, the internal electricity market was hindered by its regulatory approach and its weak governance framework, leading to delays and an incomplete market surveillance system. Therefore, the Commission should assess the effectiveness of the current structure of the electricity market and the functioning of the short-term market; the development of electricity generation capacity and quality of service delivered to final costumers in each Member State and 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. The</u></p>		AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>Commission should also assess any inefficiencies in the internal electricity market and consider measures 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.</i></u>		
Recital 13				
23	(13) Intraday markets are particularly important for the integration of variable renewable energy sources in the electricity system at the least cost as they give the possibility to market participants to trade shortages or surplus of electricity closer to the time of delivery. Since variable renewable energy generators are only able to accurately estimate their production close to the delivery time, it is crucial for them to have a maximum of trading opportunities via access to a liquid market as close as possible to the time of delivery of the electricity.	(13) Intraday markets are particularly important for the integration of variable renewable energy sources in the electricity system at the least cost as they give the possibility to market participants to trade shortages or surplus of electricity closer to the time of delivery. Since variable renewable energy generators are only able to accurately estimate their production close to the delivery time, it is crucial for them to have a maximum of trading opportunities via access to a liquid market as close as possible to the time of delivery of the electricity.	(13) Intraday markets are particularly important for the integration of variable renewable energy sources in the electricity system at the least cost as they give the possibility to market participants to trade shortages or surplus of electricity closer to the time of delivery.– Since variable renewable energy generators are only able to accurately estimate their production close to the delivery time, it is crucial for them to have a maximum of trading opportunities via access to a liquid market as close as possible to the time of delivery of the electricity.	AT comment: Keep the council addition.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>The gate closure time of the cross zonal intraday market should therefore be shortened and defined closer to real time. In case this change creates security of supply risks, the transmission system operators should have the possibility to request a derogation, based on an impact assessment and subject to regulatory approval, in order to ask for an extension of the implementation timeline. This request should include an action plan with concrete steps towards the implementation of the new intraday gate closure time.</p>	
Recital 14				
24	<p>(14) It is therefore important for the intraday markets to adapt to the participation of variable renewable energy technologies such as solar and wind as well as to the participation of demand side response and storage. The liquidity of the intraday markets should be improved with the sharing of the order books between market operators within a bidding zone, also when the cross-zonal</p>	<p>(14) It is therefore important for the intraday markets to adapt to the participation of variable renewable energy technologies such as solar and wind as well as to the participation of demand side response and energy storage. The liquidity of the intraday markets should be improved with the sharing of the order books between market operators within a bidding zone, also when the cross-</p>	<p>(14) It is therefore important for the intraday markets to adapt to the participation of variable renewable energy technologies such as solar and wind energy as well as to the participation of demand-side response and energy storage. The liquidity of the intraday markets should be improved with the sharing of the order books between market operators within a bidding zone,</p>	<p>See AT comment to article 7.</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>capacities are set to zero or after the gate closure time of the intraday market. Furthermore, the gate closure time of the intraday market should be set closer to the time of delivery to maximize the opportunities for market participants to trade shortages and surplus of electricity and contribute to better integrating variable renewables in the electricity system.</p>	<p>zonal capacities are set to zero or after the gate closure time of the intraday market. <u>In order to ensure that order books are shared between NEMOs in the day-ahead and intraday timeframes, NEMOs should submit all orders to the single day-ahead and intraday coupling, and should not organize the trading of day-ahead and intraday products, or products with similar characteristics, outside the single day-ahead and intraday coupling. To address the inherent risk of discrimination in the trading of day-ahead and intraday products inside and outside the single day-ahead and intraday coupling, this obligation should apply to NEMOs and to undertakings which directly or indirectly exercise control or any right over a NEMO.</u> Furthermore, the gate closure time of the intraday market should be set closer to the time of delivery to maximize maximise the opportunities for market participants to trade shortages and surplus of electricity and contribute to better integrating variable renewables in the</p>	<p>also when the cross-zonal capacities are set to zero or after the gate closure time of the intraday market. In order to ensure that order books are shared between nominated electricity market operators (NEMOs) in the day-ahead and intraday timeframes, NEMOs should submit all orders to the single day-ahead and intraday coupling and should not organise the trading of day-ahead and intraday products, or products with similar characteristics, outside the single day-ahead and intraday coupling. To address the inherent risk of discrimination in the trading of day-ahead and intraday products inside and outside the single day-ahead and intraday coupling, and the consequent draining of liquidity in the Union's coupled electricity markets, this obligation should apply to NEMOs, to undertakings which directly or indirectly exercise control or any right over a NEMO and to undertakings that are directly or indirectly controlled by a NEMO. Furthermore, the gate</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		electricity system, <u>provided that this measure does not have negative impacts on the security of the national electricity system, cost-efficiency, greenhouse gas emissions and facilitates the integration of renewable energy.</u>	closure time of the intraday market should be set closer to the time of delivery to maximize the opportunities for market participants to trade shortages and surplus of electricity and contribute to better integrating variable renewables in the electricity system.	
Recital 15				
25	(15) In addition, the short-term electricity markets should ensure that small-scale flexibility service providers can participate by lowering the minimum bid size.	(15) In addition, the short-term electricity markets should ensure that small-scale flexibility service providers can participate by lowering the minimum bid size.	(15) In addition, the short-term electricity markets should ensure that small-scale flexibility service providers can participate by lowering the minimum bid size.	
Recital 16				
26	(16) To ensure the efficient integration of electricity generated from variable renewable energy sources and to reduce the need for fossil-fuel based electricity generation in times when there is high demand for electricity combined with low levels of electricity generation from variable renewable energy sources, it should be possible for transmission system operators to	(16) To ensure <u>Ensuring</u> the efficient integration of electricity generated from variable renewable energy sources and to reduce <u>reducing</u> the need for fossil-fuel based electricity generation in times when there is high demand for electricity combined with low levels of electricity generation from variable renewable energy sources, it <u>is an objective of the</u>	(16) To ensure the efficient integration of electricity generated from variable renewable energy sources and to reduce the need for fossil-fuel based electricity generation in times when there is high demand for electricity combined with low levels <u>situations</u> of electricity generation from variable renewable energy sources price crisis , it should be possible for	Keep council text ; See comments to article 7a.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>design a peak shaving product enabling demand response to contribute to decreasing peaks of consumption in the electricity system at specific hours of the day. The peak shaving product should contribute to maximize the integration of electricity produced from renewable sources into the system by shifting the electricity consumption to moments of the day with higher renewable electricity generation. As the peak shaving product aims to reduce and shift the electricity consumption, the scope of this product should be limited to demand side response. The procurement of the peak shaving product should take place in such a way that it does not overlap with the activation of balancing products which aim at maintaining the frequency of the electricity system stable. In order to verify volumes of activated demand reduction, the transmission system operator should use a baseline reflecting the expected electricity consumption without the activation of the peak shaving product.</p>	<p><u>Union, the urgent need for which has been demonstrated in this crisis. Building on lessons learned, ACER should be possible for transmission perform an assessment about the possibility for</u> system operators to design <u>procure</u> a peak shaving product enabling demand response to contribute to decreasing peaks of consumption in the electricity system at specific <u>in order to achieve a reduction of electricity demand and price during peak</u> hours of the day. The peak shaving product. The assessment should contribute to maximize the integration of electricity produced from renewable sources into the system by shifting the electricity consumption to moments <u>take into consideration the need for peak shaving products not to distort the functioning</u> of the day with higher renewable electricity generation. As the peak shaving product aims to reduce and shift the electricity consumption, the scope of this product should be limited to <u>markets and not to cause a redirection of</u> demand side response. The procurement of the</p>	<p>transmission system operators to design a peak shaving product enabling– additional demand response in order to contribute to decreasing peaks of consumption in the electricity system at specific hours of the day.. As such the peak shaving product should, in addition to contributing to lowering wholesale–contribute to maximize the integration of electricity produced from renewable sources into the system by shifting the electricity consumption to moments of the day with higher renewable electricity generation prices, contribute to security of supply during an electricity price crisis. As the peak shaving product aims to reduce and shift the electricity consumption, the scope of this product should be limited to demand-side response. As the peak shaving product is intended to be applied only in limited situations of electricity price crisis, its–The procurement may take place up to one week ahead of releasing additional demand response capacities. Transmission system operators should be able to activate of the</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>services towards</u> peak shaving product should take place in such a way that it does not overlap with the activation of balancing products which aim at maintaining the frequency of the products. The assessment should also take into consideration specific national developments and consider the possibility of procuring those products under normal circumstances and during electricity system stable. In order to verify volumes of activated demand reduction, the transmission system operator should use a baseline reflecting the expected electricity consumption without the activation of the price crisis. In light of the assessment, the Commission should, where appropriate, submit a legislative proposal to amend Regulation (EU) 2019/943 in order to introduce peak shaving product products outside electricity price crisis situations.</p>	<p>peak shaving product should take place in such a way that it does not overlap with the activation of balancing products which aim at maintaining the frequency based on the forecast of the demand. Alternatively, it should be possible for the peak shaving product to be activated automatically within the day-ahead market, based on the energy price committed during the procurement of the electricity system stable demand reduction capacity. In order to verify volumes of activated demand reduction, the transmission system operator should use a baseline reflecting the expected electricity consumption without the activation of the peak shaving product.</p>	
Recital 17				
27	(17) In order to be able to actively participate in the electricity	(17) In order to be able to actively participate in the electricity	(17) In order to be able to actively participate in the electricity	EP addition can be considered as no regret.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>markets and to provide their flexibility, consumers are progressively equipped with smart metering systems. However, in a number of Member States the roll-out of smart metering systems is still slow. In those instances where smart metering systems are not yet installed and in instances where smart metering systems do not provide for the sufficient level of data granularity, transmission and distribution system operators should be able to use data from dedicated metering devices for the observability and settlement of flexibility services such as demand response and energy storage. Enabling the use of data from dedicated metering devices for observability and settlement should facilitate the active participation of the consumers in the market and the development of their demand response. The use of data from these dedicated metering devices should be accompanied by quality requirements relating to the data.</p>	<p>markets and to provide their flexibility, consumers are progressively equipped with smart metering systems. However, in a number of Member States the roll-out of smart metering systems is still slow <u>so it is imperative that Member States improve the conditions for the installation of smart metering systems, with the objective of reaching a full coverage as soon as possible. However, consumers should have the right to use or request the use of a dedicated measurement device, so that they can engage with their flexible loads in demand response, independently from being already equipped with a smart metering system. In addition to the use of data from smart metering systems,</u> –in those instances where smart metering systems are not yet installed and in instances where smart metering systems do not provide for the sufficient level of data granularity, transmission and distribution system operators, <u>upon customer consent,</u> should be able to use data from dedicated metering <u>measurement</u> devices for the observability and settlement of</p>	<p>markets and to provide their flexibility, consumers are progressively equipped with smart metering systems. However, in a number of Member States the roll-out of smart metering systems is still slow. In those instances where smart metering systems are not yet installed and in instances where smart metering systems do not provide for the sufficient level of data granularity, transmission and distribution system operators should be able to use data from dedicated metering measurement devices for the observability and settlement of flexibility services such as demand response and energy storage. Enabling the use of data from dedicated metering measurement devices for observability and settlement should facilitate the active participation of the consumers in the market and the development of their demand response. The use of data from these dedicated metering measurement devices should be accompanied by quality requirements relating to the data.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		flexibility services such as demand response and energy storage. Enabling the use of data from dedicated metering <u>measurement</u> devices for observability and settlement should facilitate the active participation of the consumers in the market and the development of their demand response. The use of data from these dedicated metering <u>measurement</u> devices should be accompanied by quality requirements relating to the data.		
Recital 18				
28	(18) This Regulation establishes a legal basis for processing of personal data in compliance with Article 6(1)(c) GDPR. Member States should ensure that all personal data protection principles and obligations laid down in the GDPR are met, including on data minimisation. Where the objective of this Directive can be achieved without processing of personal data, providers should rely on anonymised and aggregated data.	(18) This Regulation establishes a legal basis for processing of personal data in compliance with Article 6(1)(c) GDPR. Member States should ensure that all personal data protection principles and obligations laid down in the GDPR are met, including on data minimisation. Where the objective of this Directive can be achieved without processing of personal data, providers should rely on anonymised and aggregated data.	(18) This Regulation establishes a legal basis for the processing of personal data in compliance with Article 6(1)(c) GDPR accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council¹ . Member States should ensure that all personal data protection principles and obligations laid down in the GDPR Regulation (EU) 2016/679 are met, including on data minimisation. Where the objective of this Directive can be achieved without processing of personal data, providers data controllers	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>should rely on anonymised and aggregated data.</p> <p>1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).</p>	
Recital 19				
29	<p>(19) Consumers and suppliers need effective and efficient forward markets to cover their long-term price exposure and decrease the dependence on short-term prices. To ensure that energy customers all over the EU can fully benefit from the advantages of integrated electricity markets and competition across the Union, the functioning of the Union's electricity forward market should be improved via the establishment of regional virtual hubs with a view to overcome the existing market fragmentation and the low liquidity experienced in many bidding zones. Regional virtual hubs should cover multiple</p>	<p>(19) Consumers and suppliers need effective and efficient forward markets to cover their long-term price exposure and decrease the dependence on short-term prices. To ensure that energy customers all over the EU<u>Union</u> can fully benefit from the advantages of integrated electricity markets and competition across the Union, the functioning of the Union's electricity forward market should be improved via the establishment of regional virtual hubs with a view<u>assessment and implementation of possible feasible solutions in a reasonable period within the current market set-up, with the aim</u> to overcome</p>	<p>(19) Consumers and suppliers need effective and efficient forward markets to cover their long-term price exposure and decrease the dependence on short-term prices. To ensure that energy customers all over the EU<u>ean</u>Union are able to fully benefit from the advantages of integrated electricity markets and competition across the Union, the functioning of the Union's electricity forward market should be improved via the establishment of regional virtual hubs with a view to overcome the existing market fragmentation and the low liquidity experienced in many bidding zones. Regional virtual</p>	<p>AT prefers the EP version, See also comments to article 9</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>bidding zones while ensuring an adequate price correlation. Some bidding zones may not be covered by a virtual hub in terms of contributing to the hub reference price. However, market participants from these bidding zones should still be able to hedge through a hub.</p>	<p>the existing market fragmentation and the low liquidity experienced in many bidding zones. Regional virtual hubs should cover multiple bidding zones while ensuring an adequate price correlation. Some bidding zones may not be covered by a <u>Those improvements could for instance be more frequent auctions or other maturities to be considered and would require a proper assessment. At the same time, an assessment on the impact of the establishment of regional virtual hub in terms of contributing to the hub reference price. However, market participants from these hubs for the forward market on the functioning of the electricity markets should be carried out by the Commission, including on the virtual hubs' geographical scope as non-physical regions covering more than one bidding zones should still be able to hedge through a hub zone and the methodology for the calculation of the reference prices for the regional virtual hubs.</u></p>	<p>hubs should cover multiple bidding zones while ensuring an adequate price correlation. Some bidding zones may not be covered by a regional virtual hub in terms of contributing to the hub reference price. However, market participants from these bidding zones should still be able to hedge through a hub.</p>	
Recital 19a				
29a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>(19a) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to set out detailed rules on the design of the Union's electricity forward market as regards the establishment of regional virtual hubs. To ensure synergies with the existing regulatory framework, the conferral of implementing powers in Article 59 of Regulation (EU) 2019/943 of the European Parliament and of the Council¹ should be extended to cover also the aspects necessary for the establishment of virtual hubs. Before exercising those implementing powers, the Commission should carry out an impact assessment. Where relevant, the impact assessment and implementing act should reflect the implementation of pre-existing intergovernmental agreements related to cross-border joint ownership of power plants. The implementing powers should be exercised in accordance with Regulation</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>(EU) No 182/2011 of the European Parliament and of the Council."</p> <p>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).</p>	
Recital 20				
30	<p>(20) Virtual hubs should reflect the aggregated price of multiple bidding zones and provide a reference price, which should be used by market operators to offer forward hedging products. To that extent, virtual hubs should not be understood as entities arranging or executing transactions. The regional virtual hubs, by providing a reference price index, should enable the pooling of liquidity and provide better hedging opportunities to market participants.</p>	deleted	<p>(20) Virtual hubs should reflect the aggregated price of multiple bidding zones and provide a reference price, which should be used by market operators to offer forward hedging products. To that extent, virtual hubs should not be understood as entities arranging or executing transactions. The regional virtual hubs, by providing a reference price index, should enable the pooling of liquidity and provide better hedging opportunities to market participants.</p>	
Recital 21				
31	<p>(21) To enhance the possibilities of market participants for hedging, the role of the single allocation</p>	<p>(21) To enhance the possibilities of market participants for hedging, the role of the single allocation</p>	<p>(21) To enhance the possibilities of market participants for hedging, the role of the single allocation</p>	<p>AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>platform established in accordance with Commission Regulation (EU) 2016/1719 should be expanded. The single allocation platform should offer trading of financial long-term transmission rights between the different bidding zones and the regional virtual hubs. The orders submitted by market participants for financial transmission rights shall be matched by a simultaneous allocation of long term cross zonal capacity. Such matching and allocation should be performed on a regular basis, to ensure enough liquidity and, hence, efficient hedging possibilities to market participants. The long-term transmission rights should be issued with frequent maturities (ranging from month ahead to at least three years ahead), in order to be aligned with the typical hedging time horizon of market participants. The single allocation platform should be subject to monitoring and enforcement to ensure that it performs its tasks properly.</p>	<p>platform established in accordance with Commission Regulation (EU) 2016/1719 should be expanded. The single allocation platform should offer<u>act as an entity offering allocation and facilitating</u> trading of financial long-term transmission rights <u>on behalf of the transmission system operators</u> between the different bidding zones and, <u>where relevant</u>, the regional virtual hubs. The orders submitted by market participants for financial transmission rights shall<u>should</u> be matched by a simultaneous allocation of long term cross zonal capacity. Such matching and allocation should be performed <u>in accordance with Commission Regulation (EU) 2016/1719 and on a regular and more frequent</u> basis, to ensure enough liquidity and, hence, efficient hedging possibilities to market participants. The long-term transmission rights should be issued with frequent<u>different</u> maturities (ranging from month ahead to at least three years ahead), in order to be aligned with the typical hedging time horizon of market participants. The single allocation</p>	<p>platform established in accordance with Commission Regulation (EU) 2016/1719¹ should be expanded. The single allocation platform should offer trading of financial long-term transmission rights between the different bidding zones and the regional virtual hubs. The orders submitted by market participants for financial transmission rights shallshould be matched by a simultaneous allocation of long term cross zonal capacity. Such matching and allocation should be performed on a regular basis, to ensure enough liquidity and, hence, efficient hedging possibilities to market participants. The long-term transmission rights should be issued with frequent maturities, (ranging from month ahead to at least three years ahead), in order to be aligned with the typical hedging time horizon of market participants. The single allocation platform should be subject to monitoring and enforcement to ensure that it performs its tasks properly.</p> <p>1. Commission Regulation (EU) 2016/1719 of 26 September 2016 establishing a guideline on forward</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		platform should be subject to monitoring and enforcement to ensure that it performs its tasks properly.	capacity allocation (OJ L 259, 27.9.2016, p. 42).	
Recital 22				
32	(22) Network tariffs should incentivise transmission and distribution system operators to use flexibility services through further developing innovative solutions to optimise the existing grid and to procure flexibility services, in particular demand response or storage. For this purpose, network tariffs should be designed so as to take into account the operational and capital expenditures of system operators or an efficient combination of both so that they can operate the electricity system cost-efficiently. This would further contribute to integrating renewables at the least cost for the electricity system and enable final customers to value their flexibility solutions.	(22) Network tariffs should incentivise transmission and distribution system operators to use flexibility services through further developing innovative solutions to optimise the existing grid and to procure flexibility services, in particular demand response or storage. For this purpose, network tariffs should be designed so as to take into account the operational and capital expenditures of system operators or an efficient combination of both so that they can operate the electricity system cost-efficiently. This would further contribute to integrating renewables at the least cost for the electricity system and enable final customers to value their flexibility solutions.	(22) Network tariffs should incentivise transmission and distribution system operators to use flexibility services through further developing innovative solutions to optimise the existing grid and to procure flexibility services, in particular demand response or storage. For this purpose, network tariffs should be designed so as to take into account the operational and capital expenditures of system operators or an efficient combination of both so that they can operate the electricity system cost-efficiently. The requirement for cost-reflectiveness should not restrict the opportunity to redistribute costs efficiently in cases where locational- or time-variant network charges are applied. This would further contribute to integrating renewables at the least cost for the electricity system and	AT supports council text : The requirement for cost-reflectiveness should not prevent MS from applying time-variant or locational network charges (e.g. for heatpumps, electric vehicles etc.)

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			enable final customers to value their flexibility solutions.	
Recital 22a				
32a		<p><u>(22a) The energy transition requires a rapid acceleration in the deployment of renewables, onshore and offshore, and electrified demand promoting sector coupling. Such a prompt ramp-up of installations, together with the inherent complexities of managing an electricity system with variable and distributed resources, is posing substantial challenges to the grids. In general, the transmission grid will incorporate large amounts of onshore and offshore renewable capacities and transmit the electricity to demand areas, further interconnect Member States and enable flows from distributed renewables to other demand areas. The distribution grid will incorporate most new onshore renewable capacities and electrified and smart household demand. Regulatory authorities will play a central role in ensuring that sufficient investment is provided for the</u></p>		<p>AT is open towards this EP addition, yet recommends caution regarding singling out certain technologies over others. If wind power is mentioned, solar should as well.</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>necessary grid development, expansion and reinforcement. Regulatory authorities should promote the use of anticipatory investments, encouraging the acceleration of grid development to meet the accelerated deployment of renewable generation and smart electrified demand, such as electric vehicles, charging infrastructure and heat pumps deployment, where applicable, while taking careful consideration of the electricity network needs reflected in national or local development plans for energy, electric transport and heating sectors. This may be the case in particular for designated renewables acceleration areas where anticipatory investments will be instrumental in ensuring that grids become enablers and not bottlenecks. Network tariffs should be designed to provide the right incentives to system operators by combining a timely recognition of traditional investments in physical networks and adequate returns, with a flexible reflection of operational cost. Any obstacle in national</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>regulation to the necessary and efficient investments should be abolished.</u>		
Recital 23				
33	<p>(23) Offshore renewable energy sources, such as offshore wind, ocean energy and floating photovoltaic, will play an instrumental role in building a power system largely based on renewables and in ensuring climate neutrality by 2050. There are, however, substantial obstacles to their wider and efficient deployment preventing the massive scale up needed to achieve those objectives. Similar obstacles could arise for other offshore technologies in the future. These obstacles include investment risks associated with the unique topographical situation of offshore hybrid projects connected to more than one market. In order to reduce investment risk for these offshore project developers and to ensure that the projects in an offshore bidding zone have full market access to the surrounding markets, transmission system operators</p>	<p>(23) Offshore renewable energy sources, such as offshore wind, ocean energy and floating photovoltaic, will play an instrumental role in building a power system largely based on renewables and in ensuring climate neutrality by 2050. There are, however, substantial obstacles to their wider and efficient deployment preventing the massive scale up needed to achieve those objectives. Similar obstacles could arise for other offshore technologies in the future. These obstacles include investment risks associated with the unique topographical situation of <u>In order to reduce investment risk for these offshore hybrid projects connected to more than one market. In order to reduce investment risk for these offshore project developers and project developers, instruments such as power purchase agreements or two-way contracts for differences</u></p>	<p>(23) Offshore renewable energy sources, such as offshore wind, ocean energy and floating photovoltaic, will play an instrumental role in building a power system largely based on renewables and in ensuring climate neutrality by 2050. There are, however, substantial obstacles to their wider and efficient deployment preventing the massive scale up needed to achieve those objectives. Similar obstacles could arise for other offshore technologies in the future. These obstacles include investment risks associated with the unique topographical situation of offshore hybrid projects connected to more than one market in an offshore bidding zone. It is important to address these obstacles in a timely and efficient manner. In order to reduce investment risk for these offshore project developers and to ensure that the projects in an</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>should guarantee access of the offshore project to the capacity of the respective hybrid interconnector for all market time units. If the available transmission capacities are reduced to the extent that the full amount of electricity generation that the offshore project would have otherwise been able to export cannot be delivered to the market, the transmission system operator or operators responsible for the need to limit the capacity should, in future, be enabled to compensate the offshore project operator commensurately using congestion income. This compensation should only be related to the production capability available to the market, which may be weather dependent and excludes the outage and maintenance operations of the offshore project. The details, including the conditions under which the measure may expire, are intended to be defined in an implementing Regulation.</p>	<p><u>may be issued.</u> To ensure that the projects in an offshore bidding zone have full market access to the surrounding markets, transmission system operators should guarantee access of the offshore project to the capacity of the respective hybrid interconnector for all market time units. If the available transmission capacities <u>agreed in the connection agreement or in a critical network element</u> are reduced to the extent that the full amount of electricity generation that the offshore project would have otherwise been able to export cannot be delivered to the market, <u>and subject to a coordinated decision of the Member States concerned,</u> the transmission system operator or operators responsible for the need to limit the capacity should, in future, be enabled to <u>partly</u> compensate the offshore project operator <u>commensurately by using the excess congestion income earned additionally on the interconnector due to the capacity restriction.</u> This compensation should only be related to the production capability available to the market, which may be weather dependent and</p>	<p>offshore bidding zone have full market access to the surrounding markets, transmission system operators should guarantee access of the offshore project projects in an offshore bidding zone to the capacity of the respective hybrid interconnector for all market time units, up to the capacity agreed in the connection agreement and thus excluding potentially overplanted capacity. If the available transmission capacities are reduced to the extent that the full amount of electricity generation that the offshore project would have otherwise been able to export cannot be delivered to the market, the transmission system operator or operators responsible for the need to limit the capacity should, in future, be enabled to compensate the offshore project operator commensurately using congestion income. This compensation should balance the reduced revenues of offshore renewable electricity generation plant operators due to such reduction of access to interconnected markets and should only be related to the production capability available to</p>	<p>AT approves the EPs addition about « a coordinated decision of the Member States concerned »</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p>excludes the outage and maintenance operations of the offshore project. <u>Such compensation cannot be considered to cover all risks that the offshore generator will face but only those associated with the unique topographical situation of offshore hybrid projects connected to more than one market.</u> The details, including the conditions under which the measure may expire, are intended <u>to as well as a methodology for the calculation of such compensation should</u> be defined in an implementing Regulation <u>act</u>.</p>	<p>the market, which may be weather dependent and excludes the outage and maintenance operations of the offshore project. The compensation in case of lack of access to the transmission network should not be interpreted as constituting priority dispatch. Moreover, there should never be double-compensation for the same risk covered under this provision, for example if the risk is already covered under a contract for difference, or another relevant support scheme. The details, including the conditions under which the measure may expire, such as the existence of enough demand within the offshore bidding zone or direct access to a sufficient number of markets for the risk to disappear, as well as addressing obstacles, are intended to be defined in an implementing act including where relevant through amendments to Commission Regulation (EU) 2015/1222.</p>	<p>The council text about the prevention of double compensation of the same risk must be maintained.</p>
Recital 24				
34				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(24) In the day-ahead wholesale market, the power plants with lower marginal costs are dispatched first, but the price received by all market participants is set by the last plant needed to cover the demand, which is the plant with the highest marginal costs, when the markets clear. In this context, the energy crisis has shown that a surge in the price of gas and hard coal can translate into exceptional and lasting increases of the prices at which the gas and coal-fired generation facilities bid in the day-ahead wholesale market. That in turn has led to exceptionally high prices in the day-ahead market across the Union, as gas and coal-fired generation facilities are often the plants with the highest marginal costs needed to meet the demand for electricity.	(24) In the day-ahead wholesale market, the power plants with lower marginal costs are dispatched first, but the price received by all market participants is set by the last plant needed to cover the demand, which is the plant with the highest marginal costs, when the markets clear. In this context, the energy crisis has shown that a surge in the price of gas and hard coal can translate into exceptional and lasting increases of the prices at which the gas and coal-fired generation facilities bid in the day-ahead wholesale market. That in turn has led to exceptionally high prices in the day-ahead market across the Union, as gas and coal-fired generation facilities are often the plants with the highest marginal costs needed to meet the demand for electricity.	(24) In the day-ahead wholesale market, the power plants with lower marginal costs are dispatched first, but the price received by all market participants is set by the last plant needed to cover the demand, which is the plant with the highest marginal costs, when the markets clear. In this context, the energy crisis has shown that a surge in the price of gas and hard coal can translate into exceptional and lasting increases of the prices at which the gas and coal-fired generation facilities bid in the day-ahead wholesale market. That in turn has led to exceptionally high prices in the day-ahead market across the Union, as gas and coal-fired generation facilities are often the plants with the highest marginal costs needed to meet the demand for electricity.	
Recital 25				
35	(25) Given the role of the price in the day-ahead market as a reference for the price in other wholesale electricity markets, and the fact that all market participants receive the clearing price, the	(25) Given the role of the price in the day-ahead market as a reference for the price in other wholesale electricity markets, and the fact that all market participants receive the clearing price, the	(25) Given the role of the price in the day-ahead market as a reference for the price in other wholesale electricity markets, and the fact that all market participants receive the clearing price, the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	technologies with significantly lower marginal costs have consistently recorded high revenues.	technologies with significantly lower marginal costs have consistently recorded high revenues.	technologies with significantly lower marginal costs have consistently recorded high revenues.	
Recital 25a				
35a		<p><u>(25a) The reform of the electricity market design should protect all consumers, households, small and medium-sized enterprises and industry from high price shocks. Therefore, on the basis of the lessons learned, the Commission should also assess 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.</u></p>		AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).
Recital 26				
36	(26) To reach the Union's decarbonisation targets and the objectives set out in REPowerEU to become more energy independent, the Union needs to accelerate the deployment of	(26) To reach the Union's decarbonisation targets and the objectives set out in REPowerEU to become more energy independent, the Union needs to accelerate the deployment of	(26) To reach the Union's decarbonisation targets and the objectives set out in REPowerEU to become more energy independent, the Union needs to accelerate the deployment of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	renewables at a much faster pace. In view of the investment needs required to achieve these goals, the market should ensure that a long-term price signal is established.	renewables at a much faster pace. In view of the investment needs required to achieve these goals, the market should ensure that a long-term price signal is established.	renewables at a much faster pace. In view of the investment needs required to achieve these goals, the market should ensure that a long-term price signal is established.	
Recital 27				
37	(27) In this framework, Member States should strive to create the right market conditions for long-term market-based instruments, such as power purchase agreements ('PPAs'). PPAs are bilateral purchase agreements between producers and buyers of electricity. They provide long-term price stability for the customer and the necessary certainty for the producer to take the investment decision. Nevertheless, only a handful of Member States have active PPA markets and buyers are typically limited to large companies, not least because PPAs face a set of barriers, in particular the difficulty to cover the risk of payment default from the buyer in these long-term agreements. Member States should take into consideration the need to create a dynamic PPA market when setting the policies to achieve the energy	(27) In this framework, Member States should strive to create the right market conditions for long-term market-based instruments, such as power purchase agreements ('PPAs'). PPAs are bilateral purchase agreements between producers and buyers of electricity. They provide long-term price stability for the customer and the necessary certainty for the producer to take the investment decision. Nevertheless, only a handful of Member States have active PPA markets and buyers are typically limited to large companies, not least because PPAs face a set of barriers, in particular the difficulty to cover the risk of payment default from the buyer in these long-term agreements. Member States should take into consideration the need to create a dynamic PPA market when setting the policies to achieve the energy	(27) In this framework, Member States should strive to create the right market conditions for long-term market-based instruments, such as power purchase agreements ('PPAs'). PPAs are bilateral purchase agreements between producers and buyers of electricity. They provide long-term price stability for the customer and the necessary certainty for the producer to take the investment decision. Nevertheless, only a handful of Member States have active PPA markets and buyers are typically limited to large companies, not least because PPAs face a set of barriers, in particular the difficulty to cover the risk of payment default from the buyer in these long-term agreements. Member States should take into consideration the need to create a dynamic PPA market when setting the policies to achieve the energy	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	decarbonisation objectives set out in their integrated national energy and climate plans.	decarbonisation objectives set out in their integrated national energy and climate plans. <u>Regulatory unpredictability, instability and retroactivity would undermine the ability of PPAs to contribute to the clean energy transition and energy independence.</u>	decarbonisation objectives set out in their integrated national energy and climate plans.	AT comment : Keep council text. NRAs should not be prevented of implementing measures they esteem necessary. There should be no regulatory lock.
Recital 28				
38	(28) According to Article 15(8) of Directive (EU) 2018/2001 of the European Parliament and of the Council, Member States are to assess the regulatory and administrative barriers to long-term renewables PPAs, and shall remove unjustified barriers to, and promote the uptake of, such agreements. In addition, Member States are to describe policies and measures facilitating the uptake of renewables PPAs in their integrated national energy and climate plans. Without prejudice to that obligation to report on the regulatory context affecting the PPA market, Member States should ensure that instruments to reduce the financial risks associated to the buyer defaulting on its long-term payment	(28) According to Article 15(8) of Directive (EU) 2018/2001 of the European Parliament and of the Council, Member States are to assess the regulatory and administrative barriers to long-term renewables PPAs, and shall remove unjustified barriers to, and promote the uptake of, such agreements. In addition, Member States are to describe policies and measures facilitating the uptake of renewables PPAs in their integrated national energy and climate plans. Without prejudice to that obligation to report on the regulatory context affecting the PPA market, Member States should ensure that instruments to reduce the financial risks associated to the buyer defaulting on its long-term payment	(28) According to Article 15(8) of In accordance with Directive (EU) 2018/2001 of the European Parliament and of the Council ¹ , Member States are to assess the regulatory and administrative barriers to long-term renewables PPAs, and shall to remove unjustified barriers to, and promote the uptake of, such agreements. In addition, Member States are to describe policies and measures facilitating the uptake of renewables PPAs in their integrated national energy and climate plans. – Without prejudice to that obligation to report on the regulatory context affecting the PPA market, Member States should ensure that instruments to reduce the financial risks associated to the buyer defaulting	AT is flexible towards the EP text that highlights the role of RE also in the PPA market.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>obligations in the framework of PPAs are accessible to companies that face entry barriers to the PPA market and are not in financial difficulty in line with Articles 107 and 108 TFEU. Member States could decide to set up a guarantee scheme at market prices. Member States should include provisions to avoid lowering the liquidity in the electricity markets, such as by using financial PPAs. Member States should not provide support to PPAs that purchase generation from fossil fuels. While the default approach should be non-discrimination between consumers, Member States could decide to target these instruments to specific categories of consumers, applying objective and non-discriminatory criteria. In this framework, Member States should take into account the potential role of instruments provided at Union level, for instance by the European Investment Bank ('EIB').</p>	<p>obligations in the framework of PPAs are accessible to companies that face entry barriers to the PPA market and are not in financial difficulty in line with Articles 107 and 108 TFEU. Member States could decide to set up a guarantee scheme at market prices. Member States <u>may put in place such instruments to make hedging products in the forward market accessible to customers that face entry barriers to the forward market.</u> Member States should include provisions to avoid lowering the liquidity in the electricity markets, such as by using financial PPAs. Member States should not provide support to PPAs that purchase generation from fossil fuels. While the default approach should be non-discrimination between consumers, Member States could decide to target these instruments to specific categories of consumers, applying objective and non-discriminatory criteria. <u>However, where a Member State determines that there are sufficiently developed markets for PPAs to allow effective competition, public guarantee</u></p>	<p>on its long-term payment obligations in the framework of PPAs are accessible to companies that face entry barriers to the PPA market and are not in financial difficulty in line with Articles 107 and 108 TFEU. Member States could decide to set up a guarantee scheme at market prices if private guarantees are not accessible or insufficiently accessible. In that case, Member States should include provisions to avoid lowering the liquidity in the electricity markets, such as by using financial PPAs. Member States could decide to facilitate the aggregation of demand for PPAs from customers that individually face barriers to entry to the PPA market, but collectively may provide an attractive offer for PPAs to producers. Member States should not provide support to PPAs that purchase generation from fossil fuels. While the default approach should be non-discrimination between consumers, Member States could decide to target these instruments to specific categories of consumers, applying objective and</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>schemes should only support the purchase of new renewable generation.</u> In this framework, <u>and in light of the increased Union renewable energy target and the urgent need to significantly accelerate the current pace of deployment of renewables,</u> Member States should take into account the potential role of instruments provided at Union level, for instance by the European Investment Bank ('EIB') <u>or other Union-level facilities.</u> <u>Moreover, the Commission should take additional measures to achieve the renewables target which could include instruments at Union level such as European wide auctions, in particular of additional Union backed guarantees for PPAs and 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 %.</u></p>	<p>non-discriminatory criteria. In this framework, Member States should take into account the potential role of instruments facilities provided at Union level, for instance by the European Investment Bank ('EIB').</p> <p>1. Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ L 328, 21.12.2018, p. 82).</p>	
Recital 29				
39	(29) Member States have at their disposal several instruments to	(29) Member States have at their disposal several instruments to	(29) Member States have at their disposal several instruments to	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>support the development of PPA markets when designing and allocating public support. Allowing renewable energy project developers participating in a public support tender to reserve a share of the generation for sale through a PPA would contribute to nurture and grow PPA markets. In addition, as part of these tender evaluation Member States should endeavour to apply criteria to incentivise the access to the PPA market for actors that face entry barriers, such as small and medium-sized enterprises ('SMEs'), giving preference to bidders presenting a commitment to sign a PPA for part of the project's generation from one or several potential buyers that face difficulties to access the PPA market.</p>	<p>support the development of PPA markets when designing and allocating public support. Allowing renewable energy project developers participating in a public support tender to reserve a share of the generation for sale through a PPA would contribute to nurture and grow PPA markets. In addition, as part of these tender evaluation Member States should endeavour to apply criteria to incentivise the access to the PPA market for actors that face entry barriers, such as small and medium-sized enterprises ('SMEs'), giving preference to bidders presenting a commitment to sign a PPA for part of the project's generation from one or several potential buyers that face difficulties to access the PPA market. <u>To facilitate the access to and the uptake of PPAs, voluntary standardised contracts designed to simplify procedures and match the risk profile of different size customers should be developed.</u></p>	<p>support the development of PPA markets when designing and allocating public support. Allowing renewable energy project developers participating in a public support tender to reserve a share of the generation for sale through a PPA would contribute to nurture and grow PPA markets. In addition, as part of these tender evaluation Member States should endeavour to apply criteria to incentivise the access to the PPA market for actors that face entry barriers, such as small and medium-sized enterprises ('SMEs'), giving preference to bidders presenting a commitment to sign a PPA for part of the project's generation from one or several potential buyers that face difficulties to access the PPA market.</p>	<p>AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).</p>
Recital 29a				
39a				AT flexible towards the EP addition

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>(29a) To gain a better knowledge of the evolution of a growing market, such as the PPA market, new tools are needed. Therefore, a database at Union level should be established to facilitate the collection of relevant information on the PPAs concluded in the Union. That database should function as a digital platform and should be used to facilitate ACER's and regulatory authorities' monitoring of relevant information on the PPAs signed in the Union. Market participants who have reported records of PPAs should not be subject to double reporting obligations relating to those contracts.</u></p>		
Recital 29a				
39b			<p>(29a) Member States should pay particular attention to cross-border PPAs and remove unjustified barriers specifically related to them, allowing consumers in Member States with limited capacity to access power generated in other regions without discrimination.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 30				
40	<p>(30) Where Member States decide to support publicly financed new investments (“direct price support schemes”) in low carbon, non-fossil fuel electricity generation to achieve the Union’s decarbonisation objectives, those schemes should be structured by way of two-way contracts for difference such as to include, in addition to a revenue guarantee, an upward limitation of the market revenues of the generation assets concerned. New investments for the generation of electricity should 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.</p>	<p>(30) Where Member States decide to support publicly financed new investments ("direct price support schemes") in low carbon, non-fossil fuel electricity generation to achieve the Union’s decarbonisation objectives, those schemes should be structured by way of two-way contracts for difference <u>or equivalent schemes achieving the same goals</u> such as to include, in addition to a revenue guarantee, an upward limitation of the market revenues of the generation assets concerned. <u>Such schemes should be allocated through a voluntary, competitive, open, transparent, non-discriminatory, and cost-effective procedure, in accordance with State aid rules, preventing undue distortions to the efficient functioning of the electricity markets.</u> New investments for the generation of electricity should include investments in new power generating facilities, investments aimed at repowering <u>aiming to repower existing power-generating facilities, or extending</u> existing <u>power-generating</u></p>	<p>(30) Where Member States decide to support publicly financed new investments (by "direct price support schemes") in new low carbon, non-fossil fuel electricity generationgeneration-facilities to achieve the Union’s decarbonisation objectives, those schemes should be structured by way of two-way contracts for difference such as to include, in addition to a revenue guarantee, an upward limitation of the market revenues of the generation assets concerned. New investments for the generation of electricityWhereas the obligation pursuant to this Regulation should include only apply to support for investments in new power generating facilities, investments aimed at repowering existing power-generating facilities, Member States may decide to grant support schemes in the form of two-way contracts for difference also for new investments aimed at extending substantially repowering existing power generating</p>	<p>AT supports the Council GA.</p> <p>AT could support flexibility as regards the usage of “equivalent schemes achieving the same goals”</p> <p>AT could support incorporating the proportionality requirement as requested by the EP mandate.</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><i><u>facilities if the increase of power generating facilities, generation capacity is substantial. However, in the case of investments aimed at extending aiming to extend existing power-generating facilities or at prolonging their lifetime power-generating facilities, two-way contract for differences should 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.</u></i></p>	<p>at substantially increasing their capacity or prolonging their lifetime.</p>	
Recital 30a				
40a			<p>(30a) To ensure legal certainty and predictability, the obligation to structure direct support schemes by means of two-way contracts for difference should only 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. That transitional period should be five years for offshore hybrid assets connected to two or more</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			bidding zones due to the complexity of such projects."	
Recital 30b				
40b			(30b) The obligation to use two-way contracts for difference is without prejudice to Article 6(1) of Directive (EU) 2018/2001.	
Recital 30c				
40c			(30c) While this Regulation amends Article 4(3) second subparagraph of the Directive (EU) 2018/2001, the remaining provisions of Article 4 of Directive (EU) 2018/2001, which sets out design principles for the support schemes for energy from renewable sources, remain fully applicable.	
Recital 31				
41	(31) Such two-way contracts for difference would ensure that revenues of producers stemming from new investments in electricity generation which benefit from public support	(31) Such two-way contracts for difference would ensure that revenues of producers stemming from new investments in electricity generation which benefit from public support	(31) Such Two-way contracts for difference would ensure that revenues of producers stemming from new investments in electricity generation which benefit from public support	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	become more independent from the volatile prices of fossil fuels-based generation which typically sets the price in the day-ahead market.	become more independent from the volatile prices of fossil fuels-based generation which typically sets the price in the day-ahead market.	become more independent from the volatile prices of fossil fuels-based generation which typically sets the price in the day-ahead market.	
Recital 31a				
41a			<p>(31a) Design principles in accordance with this Regulation should apply to direct price support schemes in the form of two-way contracts for difference. In the assessment of such two-way contracts for difference under State aid rules, the Commission should check the compliance with provisions of Union law which are intrinsically linked to State aid rules, such as the design principles for two-way contracts for difference contained in this Regulation. The design of these two-way contract for differences should preserve the incentives for the generating facility to operate and participate efficiently in the electricity markets, in particular to reflect market circumstances. In its assessment, the Commission should ensure that the design of</p>	AT considers those recital as critical.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>two-way contracts for difference does not lead to distortions to competition. The Commission should notably ensure that the distribution of revenues to undertakings does not distort the level playing field in the internal market in particular in cases where no competitive bidding process can be applied. Two-way contracts for difference could vary in duration and could include inter alia injection-based contracts for difference with one or several strike prices, a floor price, or capability or yardstick contracts for differences. The obligation to use two-way contracts for difference does not apply to support schemes not directly linked to electricity generation, such as storage, and which do not use direct price support, such as investment aid in the form of upfront grants, tax measures or green certificates amongst others.</p>	
Recital 32				
42	(32) However, to the extent that the limitation to set out direct price	(32) However, to the extent that the limitation to set out direct price	(32) However, to the extent that the limitation to set out direct price	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>support schemes in the form of two-way contracts for difference narrows down the types of direct price support schemes that Member States can adopt as regards renewable energy sources, it should be limited to low carbon, non-fossil fuel technologies, with low and stable operational costs and to technologies which typically do not provide flexibility to the electricity system, while excluding technologies that are at early stages of their market deployment. This is necessary to ensure that the economic viability of generation technologies with high marginal costs is not jeopardised and to maintain the incentives of the technologies which can offer flexibility to the electricity system to bid in the electricity market based on their opportunity costs. In addition, the limitation to set out direct price support schemes in the form of two-way contracts for difference should not apply to emerging technologies for which other types of direct price support schemes may be better placed to incentivise their uptake. The limitation should be without prejudice to the</p>	<p>support schemes in the form of two-way contracts for difference narrows down the types of direct price support schemes that Member States can adopt as regards renewable energy sources, it should be limited to low carbon, non-fossil fuel technologies, with low and stable operational costs and to technologies which typically do not provide flexibility to the electricity system, while excluding technologies that are at early stages of their market deployment. This is necessary to ensure that the economic viability of generation technologies with high marginal costs is not jeopardised and to maintain the incentives of the technologies which can offer flexibility to the electricity system to bid in the electricity market based on their opportunity costs. In addition, the limitation to set out direct price support schemes in the form of two-way contracts for difference <u>or equivalent schemes achieving the same goals</u> should not apply to <u>electricity from the renewable sources listed in Article 19b(2) of Regulation (EU) 2019/943 with more than 1 MW installed</u></p>	<p>support schemes in the form of two-way contracts for difference narrows down the types of direct price support schemes that Member States can are able to adopt as regards renewable energy sources, it should be limited to low carbon, non-fossil fuel technologies, with low and stable operational costs and to technologies which typically do not provide flexibility to the electricity system, while excluding technologies that are at early stages of their market deployment. This is necessary to ensure that the economic viability of generation technologies with high marginal costs is not jeopardised and to maintain the incentives of the technologies which can offer flexibility to the electricity system to bid in the electricity market based on their opportunity costs. In addition, the limitation to set out direct price support schemes in the form of two-way contracts for difference should not apply to emerging technologies for which other types of direct price support schemes may be better placed to incentivise their uptake. The limitation should be without</p>	<p>AT is open as regards the EP's precision what constitutes small scale installations.</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	possible exemption for small-scale installations and demonstration projects pursuant to Article 4 (3) of (EU) 2018/2001 of the European Parliament and of the Council and consider the specificities of renewable energy communities in accordance with Article 22 (7) of that Directive.	<u>capacity, and more than 6 MW where the project is a citizen energy community or renewable energy community and to</u> emerging technologies for which other types of direct price support schemes may be better placed to incentivise their uptake. The limitation should be without prejudice to the possible exemption for small-scale installations and demonstration projects pursuant to Article 4 (3) of (EU) 2018/2001 of the European Parliament and of the Council and consider the specificities of renewable energy communities in accordance with Article 22(7) <u>22(7)</u> of that Directive.	prejudice to the possible exemption for small-scale installations and demonstration projects pursuant to Article 4 (3) of Directive (EU) 2018/2001 of the European Parliament and of the Council and consider the specificities of renewable energy communities in accordance with Article 22 (7) of that Directive.	
Recital 33				
43	(33) In view of the need to provide regulatory certainty of producers, the obligation for Member States to apply direct price support schemes for the production of electricity in the form of two-way contracts for difference should apply only to new investments for the generation	(33) In view of the need to provide regulatory certainty of producers, the obligation for Member States to apply direct price support schemes for the production of electricity in the form of two-way contracts for difference should apply only to new investments for the generation of electricity from the sources	(33) In view of the need to provide regulatory certainty effor for the producers, the obligation for Member States to apply direct price support schemes for the production of electricity in the form of two-way contracts for difference should apply only to new investments for the generation of in new electricity	AT comment : Keep transition periods as specified by the council GA

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	of electricity from the sources specified in the recital above.	specified in the recital above <u>and where those contracts are concluded after ... [one year after the date of entry into force of this amending Regulation]</u> .	generation-facilities from the sources specified in the recital above.	
Recital 34				
44	(34) Thanks to the upward limitation of the market revenues direct price support schemes in the form of two-way contracts for difference should provide an additional source of revenues for Member States in periods of high energy prices. To further mitigate the impact of high electricity prices on the energy bills of consumers, Member States should ensure that the revenues collected from producers subject to direct price support schemes in the form of two-way contracts for difference are passed on to all final electricity customers, including households, SMEs and industrial consumers, based on their consumption. The redistribution of revenues should be done in a way that ensures that consumers are still to some extent exposed to the price signal, so that they reduce their consumption when the prices	(34) Thanks to the upward limitation of the market revenues direct price support schemes in the form of two-way contracts for difference should provide an additional source of revenues for Member States in periods of high energy prices. To further mitigate the impact of high electricity prices on the energy bills of consumers, Member States should ensure that the revenues collected from producers subject to direct price support schemes in the form of two-way contracts for difference are passed on to all final electricity customers, including households, SMEs and industrial consumers <u>with a particular focus on vulnerable customers and customers affected by or at risk of energy poverty. Member States could also dedicate the revenues to compensate the cost of the</u>	(34) Thanks to the upward limitation of the market revenues direct price support schemes in the form of two-way contracts for difference should provide an additional source of revenues for Member States in periods of high energy prices. To further mitigate the impact of high electricity prices on the energy bills of consumers, Member States should ensure that the revenues collected from producers subject to direct price support schemes in the form of two-way contracts for difference, or the equivalent in financial value of those revenues , -are passed on to final customers. When distributing the revenues to households, Member States should in particular be able to favour vulnerable customers. In the light of the wider benefits for all final electricity customers resulting	AT supports the council text as regards the redistribution of CfD revenues.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>are high, or shift it to periods of lower prices (which are typically periods with a higher share of RES production). Member States should ensure that the level playing-field and competition between the different suppliers is not affected by the redistribution of revenues to the final electricity consumers.</p>	<p><u>support schemes, to support investments for the energy transition of the electricity sector or to cover energy-intensive industries at risk of carbon leakage if they demonstrate significant emission reductions through their decarbonisation efforts for reaching climate neutrality. In such a case, those energy-intensive industries should be requested to include a transformation plan that sets out key elements, based on their consumption pathway unless they already have one in place. The revenues should be distributed in accordance with a fair, transparent and non-discriminatory methodology.</u> The redistribution of revenues should be done in a way that ensures that consumers are still to some extent exposed to the price signal, so that they reduce their consumption when the prices are high, or shift it to periods of lower prices (which are typically periods with a higher share of RES production). Member States should ensure that the level playing-field and competition between the different suppliers is not affected by the</p>	<p>from investments in renewable energy, energy efficiency, and low carbon energy deployment, it should also be possible for Member States to use the revenues from two-way contract for difference, or the equivalent in financial value of those revenues, to finance investments to reduce electricity costs for final customers and to use such revenues, or the equivalent in financial value of those revenues, to finance the costs of the direct price support schemes, including households, SMEs and industrial consumers, based on their consumption.- The redistribution of revenues should be done in a way that ensures that consumerscustomers are still to some extent exposed to the price signal, so that they reduce their consumption when the prices are high, or shift it to periods of lower prices (which are typically periods with a higher share of RES production). In particular, Member States should be able to consider the consumption in off-peak hours to preserve incentives to flexibility. Member States should ensure that the level</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		redistribution of revenues to the final electricity consumers.	playing-field and competition between the different suppliers is not affected by the redistribution of revenues to the final electricity consumers. These principles should not be compulsory for revenues generated by contracts under direct price support schemes concluded before the date of application of the obligation to use two-way contracts for difference. It is possible for Member States to distribute revenues from two-way contracts for difference without that distribution constituting a retail price regulation pursuant to Article 5 of Directive (EU) 2019/944.	
Recital 35				
45	(35) Furthermore, Member States should ensure that the direct price support schemes, irrespective of their form, do not undermine the efficient, competitive and liquid functioning of the electricity markets, preserving the incentives of producers to react to market signals, including stop generating when electricity prices are below their operational costs, and of final	(35) Furthermore, Member States should ensure that the direct price support schemes, irrespective of their form, do not undermine the efficient, competitive and liquid functioning of the electricity markets, preserving <ins>retaining</ins> the incentives of producers to react to market signals, including stop generating when electricity prices are below their operational costs,	(35) Furthermore, Member States should ensure that the direct price support schemes, irrespective of their form, do not undermine the efficient, competitive and liquid functioning of the electricity markets, preserving the incentives of producers to react to market signals, including stop generating when electricity prices are below their operational costs, and of final	AT supports the council. Notably the CfD design criteria as set out in the GA should not be weakened.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>customers to reduce consumption when electricity prices are high. Member States should ensure that support schemes do not constitute a barrier for the development of commercial contracts such as PPAs.</p>	<p>and of final customers to reduce consumption when electricity prices are high. Member States should ensure that support schemes do not constitute a barrier for the development of commercial contracts such as PPAs. <u>The two-way contracts for difference should also take into account in their design locational criteria; be designed so that the support granted to the energy projects are not revised in a way that negatively affects the rights conferred thereunder or undermines the economic viability of projects that already benefit from support; ensure transparency in the conditions and retain the incentives for the generating facility to operate and participate efficiently in the electricity markets; should not receive support for production in any period in which the market value of that production is negative; should minimise their possible negative impact on the liquidity of forward markets, and should include penalty clauses applicable in the case of the early termination of the contract, while complying with the principles set</u></p>	<p>customers to reduce consumption when electricity prices are high. Member States should ensure that support schemes do not constitute a barrier for the development of commercial contracts such as PPAs.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>out in Article 4(2) and 4(3), first and third subparagraphs, of Directive (EU) 2018/2001.</u>		
Recital 36				
46	<p>(36) Thus, two-way contracts for difference and power purchase agreements play complementary roles in advancing the energy transition and bringing the benefits of renewables and low carbon energy to consumers. Subject to the requirements set out in the present Regulation, Member States should be free to decide which instruments they use to achieve their decarbonisation objectives. Through PPAs, private investors contribute to additional renewable and low carbon energy deployment while locking low and stable electricity prices over the long-term. Likewise, through two-way contracts for difference, the same objective is achieved by public entities on behalf of consumers. Both instruments are necessary to achieve the Union's decarbonisation targets through renewable and low carbon energy deployment, while bringing forward the benefits of low-cost</p>	<p>(36) Thus, two-way contracts for difference and power purchase agreements play complementary roles in advancing the energy transition and bringing the benefits of renewables and low carbon energy to consumers. Subject to the requirements set out in the present Regulation, Member States should be free to decide which instruments they use to achieve their decarbonisation objectives. Through PPAs, private investors contribute to additional renewable and low carbon energy deployment while locking low and stable electricity prices over the long-term. Likewise, through two-way contracts for difference, the same objective is achieved by public entities on behalf of consumers. Both instruments are necessary to achieve the Union's decarbonisation targets through renewable and low carbon energy deployment, while bringing forward the benefits of low-cost</p>	<p>(36) Thus, two-way contracts for difference and power purchase agreements play complementary roles in advancing the energy transition and bringing the benefits of renewables and low carbon energy to consumers. Subject to the requirements set out in the present this Regulation, Member States should be free to decide which instruments they use to achieve their decarbonisation objectives. Through PPAs, private investors contribute to additional renewable and low carbon energy deployment while locking low and stable electricity prices over the long-term. Likewise, through two-way contracts for difference, the same objective is achieved by public entities on behalf of consumers. Both instruments are necessary to achieve the Union's decarbonisation targets through renewable and low carbon energy deployment, while bringing forward the benefits of low-cost</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	electricity generation for consumers.	electricity generation for consumers.	electricity generation for consumers.	
Recital 37				
47	<p>(37) The accelerated deployment of renewables necessitates a growing availability of flexibility solutions to ensure their integration to the grid and to enable the electricity system and grid to adjust to the variability of electricity generation and consumption across different time horizons. Regulatory authorities should periodically assess the need for flexibility in the electricity system based on the input of transmission and distribution system operators. The assessment of the flexibility needs of the electricity system should take into account all existing and planned investments (including existing assets that are not yet connected to the grid) on sources of flexibility such as flexible electricity generation, interconnectors, demand side response, energy storage or the production of renewable fuels, in view of the need to decarbonise the energy system. On this basis, Member</p>	<p>(37) The accelerated deployment of renewables necessitates a growing availability of flexibility solutions to ensure their integration to the grid and to enable the electricity system and grid to adjust to the variability of electricity generation and consumption across different time horizons. Regulatory authorities should periodically assess the need for flexibility <u>at national level including flexibility needs in a future net-zero</u>in the electricity system based on the input of transmission and distribution system operators, <u>after conducting a public consultation. ACER should periodically assess and draw up a report on flexibility needs at Union level.</u> The assessment of the flexibility needs of the electricity system should take into account all existing and planned investments (including existing assets that are not yet connected to the grid) on sources of flexibility such as flexible</p>	<p>(37) The accelerated deployment of renewables necessitates a growing availability of flexibility solutions to ensure their integration to the grid and to enable the electricity system and grid to adjust to the variability of electricity generation and consumption across different time horizons. In order to foster non-fossil flexibility, regulatory authorities, or other authorities or entities designated by a Member State, should periodically assess the need for flexibility in the electricity system based on the input of transmission and distribution system operators and that assessment should complement the reporting on the flexibility of the national energy systems in accordance with Regulation (EU) 2018/1999 of the European Parliament and of the Council¹. The assessment of the flexibility needs of the electricity system should take into account all existing and planned</p>	<p>AT with preference for the council text, See comment to article 19c.</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	States should define a national objective for non-fossil flexibility such as demand side response and storage which should also be reflected in their integrated national energy and climate plans.	electricity generation, interconnectors, demand side response, energy storage or the production of renewable fuels, in view of the need to decarbonise the energy system. On this basis, Member States should define a national objective for non-fossil flexibility such as <u>indicative separate quantifiable national objectives for</u> demand side response and <u>energy</u> storage which should also be reflected in their integrated national energy and climate plans. <u>In light of those plans, the Commission should assess the consistency between the Member States' national targets and draw up a Union strategy on demand response and energy storage that is consistent with the Union's 2030 targets for energy and climate.</u>	investments, (including existing assets that are not yet connected to the grid) on sources of flexibility such as flexible electricity generation, interconnectors, demand side response, energy storage or the production of renewable fuels, in view of the need to decarbonise the energy system. On this basis, Member States should define a national objective for non-fossil flexibility such as demand side response and energy storage which should also be reflected in their integrated national energy and climate plans. 1. Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council (OJ L 328, 21.12.2018, p. 1).	
Recital 37a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
47a		<i><u>(37a) The most necessary deployment of variable renewable energy generation will reach its full potential only with the deployment of additional energy storage. The future energy system will need more flexibility, stability and reliability to achieve the objectives of Regulation (EU) 2021/1119 and the European Green Deal. Energy storage can play a crucial role in the current and future energy system. It can help decarbonise the economy and increase the efficiency and security of energy supply by providing flexibility, stability and reliability. Energy storage can also lower electricity prices during peak times, reduce electricity price fluctuations and empower consumers to adapt their energy consumption to prices and their needs.</u></i>		AT flexible towards the EP addition highlighting the potential of energy storage systems.
Recital 38				
48	(38) To achieve the national objective for non-fossil flexibility such as demand side response and storage investment needs, Member States can design or redesign	(38) To achieve the national objective for non-fossil flexibility such as demand side <u>energy</u> response and investment needs, Member States can design or	(38) To achieve the indicative national objective for non-fossil flexibility such as demand side response and energy storage investment needs, Member States	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	capacity mechanisms in order to create a green and flexible capacity mechanism. Member States that apply a capacity mechanism in line with the existing rules should promote the participation of non-fossil flexibility such as demand side response and storage by introducing additional criteria or features in the design.	redesign capacity mechanisms in order to create a green and flexible capacity mechanism. Member States that apply a capacity mechanism in line with the existing rules should promote <u>consider promoting</u> the participation of non-fossil flexibility such as demand side <u>energy</u> storage by introducing additional criteria or features in the design.	can design or redesign capacity mechanisms in order to create a green and flexible capacity mechanism, and where flexibility needs are not being addressed by the removal of market barriers and existing investments , Member States that can apply a capacity mechanism in line with the existing rules should promote the participation non-fossil flexibility support schemes consisting of payments for the available capacity of non-fossil flexibility such as demand side response and storage by introducing additional criteria or features in the design.	
Recital 39				
49	(39) To support environmental protection objectives the CO2 emissions' limit, set out in Article 22(4) of Regulation (EU) 2019/943 of the European Parliament and of the Council, should be seen as an upper limit. Therefore, Member States could set technical performance standards and CO2 emissions' limits that restrict participation in capacity mechanisms to flexible,	(39) To support environmental protection objectives the CO2 <u>CO2</u> emissions' limit, set out in Article 22(4) of Regulation (EU) 2019/943 of the European Parliament and of the Council, should be seen as an upper limit. Therefore, Member States could set technical performance standards and CO2 <u>CO2</u> emissions' limits that restrict participation in capacity mechanisms to flexible,	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>fossil-free technologies in full alignment with the Guidelines on State aid for climate, environmental protection and energy¹ which encourage Member States to introduce green criteria in capacity mechanisms.</p> <p>1. Communication from the Commission – Guidelines on State aid for climate, environmental protection and energy 2022 (OJ C 80, 18.2.2022, p. 1).</p>	<p>fossil-free technologies in full alignment with the Guidelines on State aid for climate, environmental protection and energy¹ which encourage Member States to introduce green criteria in capacity mechanisms.</p> <p>1. Communication from the Commission – Guidelines on State aid for climate, environmental protection and energy 2022 (OJ C 80, 18.2.2022, p. 1).</p>		
Recital 40				
50	<p>(40) In addition, if Member States do not apply a capacity mechanism or if the additional criteria or features in the design of their capacity mechanism are insufficient to achieve national objective for demand response and storage investment needs they could apply flexibility support schemes consisting of payments for the available capacity of non-fossil flexibility such as demand side response and storage.</p>	<p>(40) In addition, if Member States do not apply a capacity mechanism or if the additional criteria or features in the design of their capacity mechanism are insufficient to achieve national objective for demand response and <u>energy</u> storage investment needs they could apply flexibility support schemes consisting of payments for the available capacity of non-fossil flexibility such as demand side response and <u>energy</u> storage.</p>	deleted	AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).
Recital 40a				
50a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i><u>(40a) The energy crisis has demonstrated the need for flexible back-up generation, a need which is more acute with an increasing share of renewables in the electricity mix or when the level of interconnections in a Member State is not sufficiently developed. Therefore, in order to facilitate the integration of an increasing share of renewable generation into the electricity system, capacity mechanisms should not be considered as an element of last resort where that is determined following a resource adequacy assessment.</u></i>		AT comment : AT supports the council version of 40a, as it presents a more nuanced version of capacity mechanisms.
Recital 40a				
50b			(40a) As uncoordinated capacity mechanisms can have a significant impact on the internal electricity market, the Clean Energy Package introduced a comprehensive framework to better assess the need and improve the design of capacity mechanisms. Notwithstanding the necessity to limit distortions to competition and the internal market, together with an appropriate	See above.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>regulatory framework, capacity mechanisms can play an important role in ensuring resource adequacy, in particular during the transition towards a carbon-free system and for insufficiently interconnected energy systems. Therefore, while capacity mechanisms should no longer be considered as measures of last resort, their necessity and design should be periodically assessed in light of the evolving regulatory framework and market circumstances. However, the procedure for the adoption of capacity mechanisms has proved to be complex. To address potential possibilities of streamlining and simplifying the process of applying for a capacity mechanism, , and to ensure that adequacy concerns can be addressed by Member States in a timely manner while providing the necessary controls to prevent harm for the internal market, the Commission should urgently submit a comprehensive report assessing such possibilities. In that context, the Commission should</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			request that the Agency amends the methodology for the European resource adequacy assessment in line with the applicable process, as appropriate. After consultation with the Member States, the Commission should come forward with proposals with a view to streamlining and simplifying the process for assessing capacity mechanisms as appropriate at the latest 3 months after entry into force of this Regulation.	
Recital 41				
51	(41) The connection of new generation and demand installations, in particular renewable energy plants, often faces delays in grid connection procedures. One of the reasons for such delays is the lack of available grid capacity at the location chosen by the investor, which implies the need for grid extensions or reinforcements to connect the installations to the system in a safe manner. A new requirement for electricity system operators, both at transmission and	(41) The connection of new generation and demand installations, in particular renewable energy plants, often faces delays in grid connection procedures. One of the reasons for such delays is the lack of available grid capacity at the location chosen by the investor, which implies the need for grid extensions or reinforcements to connect the installations to the system in a safe manner. A new requirement for electricity system operators, both at transmission and	(41) The connection of new generation and demand installations, in particular renewable energy plants, often faces delays in grid connection procedures. One of the reasons for such delays is the lack of available grid capacity at the location chosen by the investor, which implies the need for grid extensions or reinforcements to connect the installations to the system in a safe manner. A new requirement for electricity system operators, both at transmission and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	distribution levels, to publish and update information on the grid capacity available in their areas of operation would contribute to decision-making by investors on the basis of information of grid capacity availability within the system and thus to the required acceleration in the deployment of renewable energy.	distribution levels, to publish and update information on the grid capacity available in their areas of operation would contribute to decision-making by investors on the basis of information of grid capacity availability within the system and thus to the required acceleration in the deployment of renewable energy.	distribution levels, to publish and update information on the grid capacity available in their areas of operation would contribute to decision-making by investors on the basis of information of grid capacity availability within the system and thus to the required acceleration in the deployment of renewable energy.	
Recital 42				
52	(42) Furthermore, to tackle the problem of lengthy reply times on requests for connection to the grid, transmission and distribution system operators should provide clear and transparent information to system users about the status and treatment of their connection requests. Transmission and distribution system operators should endeavour to provide such information within a period of three months from the submission of the request.	(42) Furthermore, to tackle the problem of lengthy reply times on requests for connection to the grid, transmission and distribution system operators should provide clear and transparent information to system users about the status and treatment of their connection requests. Transmission and distribution system operators should endeavour to provide such information within a period of three months from the submission of the request. <u>Transmission and distribution system operators should cooperate with each other to provide clear and transparent information on the level of self-consumption capacity installed.</u>	(42) Furthermore, to tackle the problem of lengthy reply times on requests for connection to the grid, transmission and distribution system operators should provide clear and transparent information to system users about the status and treatment of their connection requests. Transmission and distribution system operators should endeavour to provide such information within a period of three months from the submission of the request.	EP addition on information sharing as regards self consumption is to be welcomed.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 43				
53	<p>(43) During the energy crisis, consumers have been exposed to extremely volatile wholesale energy prices and had limited opportunities to engage in the energy market. Consequently, many households, have been facing difficulties when paying their bills. Vulnerable consumers and the energy poor are the hardest hit¹, but middle-income households have also been exposed to such difficulties. It is therefore important to update consumer rights and protections, allowing consumers to benefit from the energy transition, decouple their electricity bills from short term price movements on energy markets and rebalance the risk between suppliers and consumers.</p> <p>1. Particular groups are more at risk of being affected by energy poverty or more susceptible to the adverse impacts of energy poverty, such as women, persons with disabilities, older persons, children, and persons with a minority racial or ethnic background.</p>	<p>(43) During the energy crisis, consumers have been exposed to extremely volatile wholesale energy prices and had limited opportunities to engage in the energy market. Consequently, many households, have been facing financial difficulties when paying <u>and have been unable to pay</u> their bills. Vulnerable consumers and the energy poor are the hardest hit¹, but middle-income households have also been exposed to such <u>financial</u> difficulties. <u>High energy prices also have a negative impact on consumer health, well-being, social inclusion and quality of life. High energy prices discourage people from adequately heating or cooling their homes, and living in such conditions increases health risks, such as those linked to cardiac and respiratory problems.</u> It is therefore important to update consumer rights and protections, allowing consumers to benefit from the energy transition, decouple their electricity bills from short term price movements</p>	<p>(43) During the energy crisis, consumers have been exposed to extremely volatile wholesale energy prices and had limited opportunities to engage in the energy market. Consequently, many households, have been facing difficulties when paying their bills. Vulnerable consumers and the energy poor are the hardest hit¹, but middle-income households have also been exposed to such difficulties. It is therefore important to update consumer rights and protections, allowing consumers to benefit from the energy transition, decouple their electricity bills from short term price movements on energy markets and rebalance the risk between suppliers and consumers.</p> <p>1. [1] Particular groups are more at risk of being affected by energy poverty or more susceptible to the adverse impacts of energy poverty, such as women, persons with disabilities, older persons, children, and persons with a minority racial or ethnic background.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p>on energy markets and rebalance the risk between suppliers and consumers.</p> <p>1. Particular groups are more at risk of being affected by energy poverty or more susceptible to the adverse impacts of energy poverty, such as women, persons with disabilities, older persons, children, and persons with a minority racial or ethnic background.</p>		
Recital 44				
54	<p>(44) Consumers should have access to a wide range of offers so that they can choose a contract according to their needs. However, suppliers have reduced their offers, fixed-price contracts have become scarce, and the choice of offers has become limited. Consumers should always have the possibility to opt for an affordable fixed price and fixed term contract and suppliers should not unilaterally modify the terms and conditions before such contract expires.</p>	<p>(44) Consumers should have access to a wide range of offers so that they can choose a contract according to their needs. However, suppliers have reduced their offers, fixed-price contracts have become scarce, and the choice of offers has become limited. Consumers should always have the possibility to opt for an affordable fixed price and fixed term <u>electricity supply contract to ensure a stable price over the duration of the</u> contract and suppliers should not unilaterally modify the terms and conditions <u>of a contract or terminate it</u> before such contract expires.</p>	<p>(44) Consumers should have access to a wide range of offers so that they can choose a contract according to their needs. However, suppliers have reduced their offers, fixed-price contracts have become scarce, and the choice of offers has become limited. Consumers should always have the possibility to opt for an affordable fixed price and fixed term contract and suppliers should not unilaterally modify the terms and conditions before such contract expires. This does not change the fact that dynamic price contracts remain essential and that an increasing penetration of renewable energy sources can help consumers to reduce their</p>	<p>AT with preference for the council text, that highlights the potential of dynamic contracts</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			energy bills. Member States should be able to exempt suppliers who only offer dynamic price contracts from the obligation to offer fixed price and fixed term contracts, provided that this does not have a negative impact on competition and retains sufficient choice of fixed price and fixed term contracts.	
Recital 45				
55	(45) When suppliers' do not ensure that their electricity portfolio is sufficiently hedged changes in wholesale electricity prices can leave them financially at risk and, result in their failure, passing on costs to consumers and other network users. Hence, it should be ensured that suppliers are appropriately hedged when offering fixed price contracts. An appropriate hedging strategy should take into account the suppliers' access to its own generation and its capitalisation as well as its exposure to changes in wholesale market prices.	(45) When suppliers' do not ensure that their electricity portfolio is sufficiently hedged changes in wholesale electricity prices can leave them financially at risk and, result in their failure, passing on costs to consumers and other network users. Hence, it should be ensured that <u>Member States perform regular stress test to assess whether</u> suppliers are appropriately hedged when offering fixed price contracts. <u>Where hedging opportunities are insufficient</u> , an appropriate hedging strategy should <u>be put in place and</u> take into account the suppliers' access to its own generation and its capitalisation as	(45) When suppliers' do not ensure that their electricity portfolio is sufficiently hedged changes in wholesale electricity prices can leave them financially at risk and, result in their failure, passing on costs to consumers and other network users. Hence, it should be ensured that suppliers are appropriately hedged when offering fixed price contracts. An appropriate hedging strategy should take into account the suppliers' access to its own generation and its capitalisation as well as its exposure to changes in wholesale market prices. The existence of appropriate hedging strategies can be ensured by	Both ok. AT comment : both over and underhedging can lead to addition costs for consumers.

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		well as its exposure to changes in wholesale market prices, <u>the size of the supplier and the market structure</u> .	general rules overseen without undertaking a specific review of the positions or strategies of individual suppliers. Stress tests and reporting requirements on suppliers could be tools used to assess supplier hedging strategies.	
Recital 46				
56	(46) Consumers should be able to choose the supplier which offers them the price and service which best suits their needs. Advances in metering and sub-metering technology combined with information and communication technology mean that it is now technically possible to have multiple suppliers for a single premises. If they so wish, customers should be able to use these possibilities to choose a separate supplier notably for electricity to power appliances such as heat pumps or electric vehicles which have a particularly high consumption or which also have the capability to shift their electricity consumption automatically in response to price signals. Moreover, with fast-	(46) Consumers should be able to choose the supplier which offers them the price and service which best suits their needs. Advances in metering and sub-metering technology combined with information and communication technology mean that it is now technically possible to have multiple suppliers for a single premises. – If they so wish <u>to do so</u> , customers should be able to use these possibilities to choose a separate supplier, <u>in particular</u> notably for electricity to power appliances such as heat pumps or electric vehicles which have a particularly high consumption or which also have the capability to shift their electricity consumption automatically in response to price signals. <u>To that end, customers</u>	(46) Consumers should be able to choose the supplier which offers them the price and service which best suits their needs. Advances in metering and sub-metering technology combined with information and communication technology mean that it is now technically possible to have multiple suppliers for a single premises. – If they so wish, customers should be able to use these possibilities to choose a separate supplier notably for electricity to power appliances such as heat pumps or electric vehicles which have a particularly high consumption or which also have the capability to shift their electricity consumption automatically in response to price signals. Moreover, with fast-	AT council prefers the council text, that provides additional clarification on metering.

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	<p>responding dedicated metering devices which are attached to or embedded in appliances with flexible, controllable loads, final customers can participate in other incentive-based demand response schemes that provide flexibility services on the electricity market and to transmission and distribution system operators. Overall, such arrangements should contribute to the increased uptake of demand response and to consumer empowerment allowing them to have more control over their energy use and bills, while providing to the electricity system additional flexibility in order to cope with demand and supply fluctuations.</p>	<p><u>should be allowed to have more than one metering and billing point covered by the single connection point for their premises. Some smart metering systems may directly cover more than one metering point and therefore enable customers to have more than one electricity supply contract at the same time.</u></p> <p>Moreover, with fast-responding dedicated metering measurement devices which are attached to or embedded in appliances with flexible, controllable loads, final customers can participate in other incentive-based demand response schemes that provide flexibility services on the electricity market and to transmission and distribution system operators. Overall, such arrangements should contribute to the increased uptake of demand response and to consumer empowerment allowing them to have more control over their energy use and bills, while providing to the electricity system additional flexibility in order to cope with demand and supply fluctuations.</p>	<p>responding dedicated For this purpose, customers should be allowed to have more than one metering devices and billing point covered by the single connection point for their premises allowing different appliances to be metered and supplied separately. Metering points should be clearly distinguished from each other. The rules for the allocation of the associated costs should be determined at national level. Some smart metering systems may directly cover more than one metering point and therefore enable customers to have more than one electricity supply contract at the same time. Suppliers should have balancing responsibility only for metering and billing points to which are they supply. Moreover, through the facilitation of dedicated measurement solutions,</p> <p>attached to or embedded in appliances with flexible, controllable loads, final customers can participate in other incentive-based demand response schemes that provide flexibility services on the electricity market and to</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			transmission and distribution system operators. Overall, such arrangements should contribute to the increased uptake of demand response and to consumer empowerment allowing them to have more control over their energy use and bills, while providing to the electricity system additional flexibility in order to cope with demand and supply fluctuations.	
Recital 47				
57	(47) Due to the increasing complexity of energy offers and different marketing practices, consumers have often difficulties to fully understand what they sign up to. In particular, there is a lack of clarity on how the price is set, the conditions for the renewal of the contract, the consequences of terminating a contract or the reasons for changing conditions by the supplier. Therefore, the key information on energy offers should be provided to consumers by suppliers or market participants engaged in aggregation in a short and easily understandable manner prior to signing the contract.	(47) Due to the increasing complexity of energy offers and different marketing practices, consumers have often difficulties to fully understand what they sign up to. In particular, there is a lack of clarity on how the price is set, the conditions for the renewal of the contract, the consequences of terminating a contract or the reasons for changing conditions by the supplier. Therefore, the key information on energy offers should be provided to consumers by suppliers or market participants engaged in aggregation in a short and easily understandable manner prior to signing the contract.	(47) Due to the increasing complexity of energy offers and different marketing practices, consumers have often difficulties to fully understand what they sign up to. In particular, there is a lack of clarity on how the price is set, the conditions for the renewal of the contract, the consequences of terminating a contract or the reasons for changing conditions by the supplier. Therefore, the key information on energy offers should be provided to consumers by suppliers or market participants engaged in aggregation in a short and easily understandable manner prior to signing the contract.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 48				
58	<p>(48) To ensure continuity of supply for consumers in case of supplier failure, Member States should be obliged to appoint suppliers of last resort which may be treated as the provider of universal service. That supplier might be the sales division of a vertically integrated undertaking which also performs distribution functions, provided that it meets the unbundling requirements of Article 35 of Directive (EU) 2019/944 of the European Parliament and of the Council. However, this does not imply an obligation of Member States to supply at a certain fixed minimum price.</p>	<p>(48) To ensure continuity of supply for consumers in case of supplier failure, <u>where</u> Member States <u>have not already appointed a supplier of last resort, they</u> should be obliged to appoint suppliers of last resort which may be treated as the provider of universal service. That supplier might be the sales division of a vertically integrated undertaking which also performs distribution functions, provided that it meets the unbundling requirements of Article 35 of Directive (EU) 2019/944 of the European Parliament and of the Council. However, this does not imply an obligation of Member States to supply at a certain fixed minimum price.</p>	<p>(48) To ensure continuity of supply for consumers particularly in cases in case of supplier failure, Member States should implement a supplier-of-last-resort regime. It should be possible to appoint suppliers of last resort which either before or at the moment of supplier failure. Such a supplier of last resort may be treated as thea provider of universal service. ThatA supplier of last resort might be the sales division of a vertically integrated undertaking which also performs distribution functions, provided that it meets the unbundling requirements of Article 35 of Directive (EU) 2019/944 of the European Parliament and of the Council¹. However, this does not imply an obligation of Member States to supply at a certain fixed minimum price. Where, before the entry into force of this Directive, a Member State has already appointed a supplier of last resort through a fair, transparent and non-</p>	<p>AT with preference for the more precise council text.</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>discriminatory procedure, it is not necessary to run a new procedure for appointing the supplier of last resort.</p> <p>1. 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 and amending Directive 2012/27/EU (OJ L 158, 14.6.2019, p. 125).</p>	
Recital 49				
59	<p>(49) Energy sharing can create resilience against the effects of high and volatile wholesale market prices on consumers' energy bills, empowers a wider group of consumers that do not otherwise have the option of becoming an active customer due to financial or spatial constraints, such as energy poor and vulnerable consumers, and leads to increased uptake of renewable energy by mobilising additional private capital investments and diversifying remuneration pathways. With the integration of appropriate price signals and storage facilities, electricity sharing can help lay the foundation to help tap into the</p>	<p>(49) Energy sharing can create resilience against the effects of high and volatile wholesale market prices on consumers' energy bills, empowers a wider group of consumers that do not otherwise have the option of becoming an active customer due to financial or spatial constraints, such as energy poor and vulnerable consumers, and leads to increased uptake of renewable energy by mobilising additional private capital investments and diversifying remuneration pathways. With the integration of appropriate price signals and storage facilities, electricity sharing can help lay the foundation to help tap into the</p>	<p>(49) Energy sharing can create resilience against the effects of high and volatile wholesale market prices on consumers' energy bills, empowers a wider group of consumers that do not otherwise have the option of becoming an active customer due to financial or spatial constraints, such as energy poor and vulnerable consumers, and leads to increased uptake of renewable energy by mobilising additional private capital investments and diversifying remuneration pathways. With the integration of appropriate price signals and storage facilities, electricity sharing can help lay the foundation to help tap into the</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	flexibility potential of smaller consumers.	flexibility potential of smaller consumers.	flexibility potential of smaller consumers.	
Recital 50				
60	<p>(50) Active customers that own, lease or rent a storage or generation facility should have the right to share excess production and empower other consumers to become active, or to share the renewable energy generated or stored by jointly leased, rented or owned facilities, either directly or through a third-party facilitator. Energy sharing arrangement are either based on private contractual agreement between active customers or organised through a legal entity. A legal entity that incorporates the criteria of a renewable energy community as defined in Directive (EU) 2018/2001 of the European Parliament and of the Council or a citizen energy community as defined in Directive (EU) 2019/944 of the European Parliament and of the Council can share with their members electricity generated from facilities they have in full ownership. The protection and empowerment</p>	<p>(50) Active customers that own, lease or rent a storage or generation facility should have the right to share excess production and empower other consumers to become active, or to share the renewable energy generated or stored by jointly leased, rented or owned facilities, either directly or through a third-party facilitator <u>provided that the renewable energy generation facility owned by the third party does not exceed 6 MW capacity</u>. Energy sharing arrangement are either based on private contractual agreement between active customers or organised through a legal entity. A legal entity that incorporates the criteria of a renewable energy community as defined in Directive (EU) 2018/2001 of the European Parliament and of the Council or a citizen energy community as defined in Directive (EU) 2019/944 of the European Parliament and of the Council can share with their members</p>	<p>(50) Active customers that own, lease or rent a storage or generation facility should have the right to share excess production at a price or free of charge and empower other consumers to become active, or to share the renewable energy generated or stored by jointly leased, rented or owned facilities, either directly or through a third-party facilitator. Any payment for sharing of excess production for a price can either be settled directly between active customers or automated through a peer-to-peer trading platform. Energy sharing arrangement are either based on private contractual agreement between active customers or organised through a legal entity. A legal entity that incorporates the criteria of a renewable energy community as defined in Directive (EU) 2018/2001 of the European Parliament and of the Council or a citizen energy community as defined in Directive (EU)</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	framework for energy sharing should pay particular attention to energy poor and vulnerable consumers.	electricity generated from facilities they have in full ownership. The protection and empowerment framework for energy sharing should pay particular attention to energy poor and vulnerable consumers.	2019/944 of the European Parliament and of the Council can share with their members electricity generated from facilities they have in full ownership. The protection and empowerment framework for energy sharing should pay particular attention to energy poor and vulnerable consumers.	
Recital 51				
61	(51) Energy sharing operationalises the collective consumption of self-generated or stored electricity injected into the grid by more than one jointly acting active customers. Member States should put in place the appropriate IT infrastructure to allow for the administrative matching within a certain timeframe of consumption with self-generated or stored renewable energy for the purpose of calculating the energy component of the energy bill. The output of these facilities should be distributed among the aggregated consumer load profiles based on static, variable or dynamic calculation methods that can be	(51) Energy sharing operationalises the collective consumption of self-generated or stored electricity injected into the grid by more than one jointly acting active customers. Member States should put in place the appropriate IT infrastructure to allow for the administrative matching within a certain timeframe of consumption with self-generated or stored renewable energy for the purpose of calculating the energy component of the energy bill. The output of these facilities should be distributed among the aggregated consumer load profiles based on static, variable or dynamic calculation methods that can be	(51) Energy sharing operationalises the collective consumption of self-generated or stored electricity injected into the grid by more than one jointly acting active customers. Member States should put in place the appropriate IT infrastructure to allow for the administrative matching within a certain timeframe of customer's total metered consumption with self-generated or stored renewable energy which is deducted from the total consumption for the purpose of calculating the energy component of the energy bill issued by the customer's supplier and thereby reducing the customer's bill . The output of	AT with preference for the EP text, that provides larger exemptions for energy communities,

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	pre-defined or agreed upon by the active customers.	pre-defined or agreed upon by the active customers. <u>Active customers who participate in energy sharing should be financially responsible for the imbalances that they cause in the electricity system, whether directly or through a delegated party pursuant to Article 5 of Regulation (EU) 2019/943. All consumer rights and obligations laid down in Directive (EU) 2019/944 should apply to final customers participating in energy sharing schemes. However, households with an installed capacity up to 10,8 kW for single households and up to 100 kW for multi-apartment blocks should not be required to comply with supplier obligations.</u>	these facilities should be distributed among the aggregated consumer load profiles based on static, variable or dynamic calculation methods that can be pre-defined or agreed upon by the active customers. Active customers engaged in energy sharing are financially responsible for imbalances they cause. This should be without prejudice to the possibility for active customers to delegate their balancing responsibilities to other market participants. All consumer rights and obligations set out in this Directive apply to final customers involved in energy sharing schemes. However, households with an installed capacity up to 10.8 kW for single households and up to 50 kW for multi-apartment blocks should not be required to comply with the obligations of suppliers.	
Recital 52				
62	(52) Vulnerable customers should be adequately protected from electricity disconnections and should, as well, not be put in a	(52) Vulnerable customers should be adequately protected from electricity disconnections and should, as well <u>moreover</u> , not be	(52) Vulnerable customers should be adequately protected from electricity disconnections and should, as well, not be put in a	AT flexible towards the EP text that highlights the need to protect vulnerable households.

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	<p>position that forces them to disconnect. The role of suppliers and all relevant national authorities to identify appropriate measures, in both the short and the long-term, which should be made available to vulnerable customers to manage their energy use and costs remain essential, including by means of close cooperation with social security systems.</p>	<p>put in a position that forces them to disconnect. <u>Member States should therefore prohibit electricity disconnections of vulnerable household customers and customers affected by or at risk of energy poverty, while also ensuring that disconnections are prohibited during ongoing judicial or out-of-court disputes between supplier and customers for a period of eight weeks. Member States should complement those rights with the adoption of specific measures for the winter and summer seasons, to enable household customers to help manage their consumption and avoid high settlement bills.</u></p> <p>The role of suppliers and all relevant national authorities to identify appropriate measures, in both the short and the long-term, which should be made available to vulnerable customers to manage their energy use and costs remain essential, including by means of close cooperation with social security systems.</p>	<p>position that forces them to disconnect. The role of suppliers and all relevant national authorities to identify appropriate measures, in both the short and the long-term, which should be made available to vulnerable customers to manage their energy use and costs remain essential, including by means of close cooperation with social security systems.</p>	
Recital 53				
63				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>(53) Public interventions in price setting for the supply of electricity constitute, in principle, a market-distortive measure. Such interventions may therefore only be carried out as public service obligations and are subject to specific conditions. Under this Directive regulated prices are possible for energy poor and vulnerable households, including below costs, and, as a transition measure, for households and micro-enterprises. In times of crisis, when wholesale and retail electricity prices increase significantly, and this is having a negative impact on the wider economy, Member States should be allowed to extend, temporarily, the application of regulated prices also to SMEs. For both households and SMEs, Member States should be temporarily allowed to set regulated prices below costs as long as this does not create distortion between suppliers and suppliers are compensated for the costs of supplying below cost. However, it needs to be ensured that such price regulation is targeted and does not create incentives to increase</p>	<p>(53) Public interventions in price setting for the supply of electricity constitute, in principle, a market-distortive measure. Such interventions may therefore only be carried out as public service obligations and are subject to specific conditions. Under this Directive regulated prices are possible for energy poor and vulnerable households, including below costs, and, as a transition measure, for households and micro-enterprises. In times of crisis, when wholesale and retail electricity prices increase significantly, and this is having a negative impact on the wider economy, Member States should be allowed to extend, temporarily, the application of regulated prices also to SMEs. For both households and SMEs, Member States should be temporarily allowed to <u>lower the electricity prices and to</u> set regulated prices below costs as long as this does not create distortion between suppliers and suppliers are compensated for the costs of supplying below cost. However, it needs to be ensured that such price regulation is targeted and does not create</p>	<p>(53) Public interventions in price setting for the supply of electricity constitute, in principle, a market-distortive measure. Such interventions may therefore only be carried out as public service obligations and are subject to specific conditions. Under this Directive regulated prices are possible for energy poor and vulnerable households, including below costs, and, as a transition measure, for households and micro-enterprises whether or not there is an electricity price crisis. In times of crisis, when wholesale and retail electricity prices increase significantly, and this is having a negative impact on the wider economy, Member States should be allowed to extend, temporarily, the application of regulated prices also to SMEs. For both households and SMEs, Member States should be temporarily allowed to set regulated prices below costs as long as this does not create distortion between suppliers and suppliers are compensated for the costs of supplying below cost during an electricity price crisis. However, it needs to be ensured</p>	<p>AT is flexilbe towards the EPs addition protecting the level playing field also in case of an Energy crisis.</p>

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	<p>consumption. Hence, such price regulation should be limited to 80% of median household consumption for households, and 70% of the previous year's consumption for SMEs. The Commission should determine when such an electricity price crisis exists and consequently when this possibility becomes applicable. The Commission should also specify the validity of that determination, during which the temporary extension of regulated prices applies, which may be for up to one year. To the extent that any of the measures envisaged by the present Regulation constitute State aid, the provisions concerning such measures are without prejudice to the application of Articles 107 and 108 TFEU.</p>	<p>incentives to increase consumption. Hence, such price regulation should be limited to 80% 80 % of median household consumption for households, <u>100 % for vulnerable household customers and 70 %</u> and 70% of the previous year's consumption for SMEs. The Commission should determine when such an electricity price crisis exists and consequently when this possibility becomes applicable. The Commission should also specify the validity of that determination, during which the temporary extension of regulated prices applies, which may be for up to one year. To the extent that any of the measures envisaged by the present Regulation constitute State aid, the provisions concerning such measures are without prejudice to the application of Articles 107 and 108 TFEU. <u>In any event, the declaration of a regional or Union-wide electricity price crisis should ensure a level playing field across all Member States affected by the decision so that the internal market is not unduly distorted.</u></p>	<p>that such price regulation is targeted and does not create incentives to increase consumption. Hence, the temporary extension of such price regulation should be limited to 80% of median household consumption for households, and 70% of the previous year's consumption for SMEs. The Council, acting on a proposal from the Commission, should determine when such an by means of an implementing decision when a regional or Union-wide electricity price crisis exists. The assessment of whether such a price crisis exists should be based on a comparison with prices in times of normal market operation and therefore exclude the impact of previous crises. The decision and consequently when this possibility becomes applicable. The Commission should also specify the validity of that determination, during which the temporary extension of regulated prices applies, which may be for up to one year. Where the conditions continue to be fulfilled for considering that a regional or Union-wide</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>electricity price crisis exists, it should be possible for the Council, upon a proposal from the Commission, to the extent that any of the measures envisaged by the present Regulation constitute State aid, to extend the period of validity of the implementing decision. Conferring implementing powers on the Council adequately takes into account the political nature of the decision to trigger the extended possibilities for public interventions in price setting for the supply of electricity, which requires a delicate balancing of different policy considerations, as well as the horizontal implications of such a decision for Member States the provisions concerning such measures are without prejudice to the application of Articles 107 and 108 TFEU.</p>	
Recital 53a				
63a			<p>(53a) The inframarginal revenue cap introduced in Articles 6 to 8 and Article 10 of Council Regulation (EU) 2022/1854 has in some cases</p>	

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			provided a relevant source of income that Member States have used to soften the impact of the high electricity prices in the consumers bills. This Regulation provides tools that will also bring relief for consumers during times of high electricity prices; while Member States implement those tools, they should also be allowed to apply an inframarginal revenue cap until 30 June 2024. That revenue cap should be subject to conditions corresponding to those which were applicable under Council Regulation (EU) 2022/1854. In order to assess the application of any such revenue cap, the Commission should issue a report to the Parliament and the Council.	
Recital 53b				
63b			(53aa) To the extent that any of the measures envisaged by this Regulation constitute State aid, the provisions concerning such measures are without prejudice to the application of Articles 107 and 108 TFEU. The Commission is competent to assess the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			compatibility of State aid with the internal market.	
Recital 53c				
63c			(53b) Since Estonia, Latvia and Lithuania are not yet synchronised with the European electricity system, they face very specific challenges when organising balancing markets and the market-based procurement of ancillary services. While synchronisation is well underway, one of the critical prerequisites for stable synchronous system operation is the availability of sufficient balancing capacity reserves for frequency regulation. However, being dependent on the Russian synchronous area for frequency management, the Baltic countries were not yet in the position to develop an own functioning balancing market. The Russian war of aggression against Ukraine has substantially increased the risk for security of supply resulting from the absence of own balancing markets.	

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			Therefore, the requirements of Article 6(9), (10), (11) of Regulation (EU) 2019/943 and of Commission Art 41(2) of Regulation (EU) 2017/2195, which are designed to apply to existing balancing markets, do not yet reflect the situation in Estonia, Latvia and Lithuania, in particular as the development of balancing market requires time and new investments in balancing capacity. Estonia, Latvia and Lithuania should therefore, irrespective of those requirements, be entitled to conclude longer-term contracts to procure balancing capacity for a transitional period.	
Recital 53d				
63d			(53ba) Estonia, Latvia and Lithuania should also be exempted from the requirements of certain provisions of Article 40(4) and 54(2) of Directive (EU) 944/2019 insofar as this is necessary to ensure system security for a transitional period.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 53e				
63e			(53c) The transitional periods for Estonia, Latvia and Lithuania should phase out as soon as possible after the synchronisation, and be used to develop the appropriate markets instruments offering short-term balancing reserves and other indispensable ancillary services, and should be limited to the time necessary for this process.	
Recital 53f				
63f			(53d) The Baltic States are foreseen to be synchronized with the continental Europe synchronous area by one double circuit line connecting Poland and Lithuania. Upon synchronization, the capacity of this line will have to be, in large part, kept for reliability margins in a case of unexpected outage in the Baltic System and resulting unintended deviations. Transmission system operators should continue offering maximum capacity for cross-border trading, compliant with	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			operational security limits and considering possible contingencies in the Polish and Lithuanian systems, including those resulting from outages of HVDC lines or disconnection of the Baltic States from the continental Europe synchronous area. The specific situation of this interconnection should be taken into consideration for the calculation of the total capacity and contingencies pursuant to Article 16(8) of Regulation (EU) 2019/943.	
Recital 53g				
63g			(53e) Considering that the Cypriot transmission system is not connected to any Member State, Cyprus faces very specific challenges when organising balancing markets and the market-based procurement of ancillary services. Cyprus should be exempted from the requirements of Article 40 (4) and 54 (2) of Directive (EU) 944/2019 insofar as this is necessary to ensure system security for a transitional period, namely until the Cypriot	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			transmission system is connected to other Member States via interconnectors.	
Recital 53h				
63h			<p>(53f) To support environmental protection objectives, Article 22(4) of Regulation (EU) 2019/943 of the European Parliament and of the Council sets out requirements regarding CO2 emission limits for capacity mechanisms . However, during their transition to a carbon-free system and in the aftermath to the energy crisis, Member States applying capacity mechanisms which were approved before the entry into force of this Regulation, can exceptionally derogate, and as a last resort mechanism, from this CO2 emission limit for a limited period of time. Such derogation should however be limited to existing generation capacity that started commercial production before 4 July 2019, i.e. before the entry into force of the Clean Energy Package. In case previous procurement processes that met the CO2 emission</p>	While AT approved the GA in the council, it remains critical regarding derogations from the CO2 emission limit.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			limits have not brought about the necessary capacity to meet the identified adequacy concern, Member States should be allowed organise an additional procurement process which meets all the requirements in Chapter IV of Regulation (EU) 2019/943 of the European Parliament and of the Council, except for those regarding CO2 emission limits, and only for the amount of capacity that is needed to solve the adequacy concerns that has been identified. Generation capacity that does not meet the CO2 emission limits should not be procured for a period longer than one year. This application shall not be detrimental to decarbonisation plans anticipated by Member States.	
Recital 53i				
63i			(53g) Capacity mechanisms should be open to the participation of all resources that are capable of providing the required technical performance, including gas-fired power	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			plants, provided they satisfy the emission limit in Article 22(4).	
Recital 54				
64	(54) The measures envisaged by the present Regulation are also without prejudice to the application of Directive 2014/65/EU, Regulation (EU) 2016/1011 and Regulation (EU) 648/2012.	(54) The measures envisaged by the present Regulation are also without prejudice to the application of Directive 2014/65/EU, Regulation (EU) 2016/1011 and Regulation (EU) 648/2012.	<p>(54) The measures envisaged by the present this Regulation are also without prejudice to the application of Directive 2014/65/EU of the European Parliament and of the Council¹, Regulation (EU) 2016/1011 of the European Parliament and of the Council² and Regulation (EU) 648/2012 of the European Parliament and of the Council³.</p> <p>1. Directive 2014/65/EU of the 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).</p> <p>2. Regulation (EU) 2016/1011 of the European Parliament and of the Council of 8 June 2016 on indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds and amending Directives 2008/48/EC and 2014/17/EU and Regulation (EU) No 596/2014 (OJ L 171, 29.6.2016, p. 1).</p> <p>3. Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC</p>	

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			derivatives, central counterparties and trade repositories (OJ L 201, 27.7.2012, p. 1).	
Recital 55				
65	(55) Regulation (EU) 2019/942 of the European Parliament and of the Council, Regulation (EU) 2019/943 of the European Parliament and of the Council, Directive (EU) 2019/944 of the European Parliament and of the Council and Directive (EU) 2018/2001 of the European Parliament and of the Council should be amended accordingly.	(55) Regulation (EU) 2019/942 of the European Parliament and of the Council, Regulation (EU) 2019/943 of the European Parliament and of the Council, Directive (EU) 2019/944 of the European Parliament and of the Council and Directive (EU) 2018/2001 of the European Parliament and of the Council should be amended accordingly.	(55) Regulation (EU) 2019/942 of the European Parliament and of the Council ¹ , Regulation (EU) 2019/943 of the European Parliament and of the Council , Directive (EU) 2019/944 of the European Parliament and of the Council and Directive (EU) 2018/2001 of the European Parliament and of the Council should be amended accordingly. ¹ 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 (OJ L 158, 14.6.2019, p. 22).	
Recital 56				
66	(56) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States, but can rather be better achieved at Union level, the Union may adopt measures, in accordance with the	(56) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States, but can rather be better achieved at Union level, the Union may adopt measures, in accordance with the	(56) Since the objectives of this Regulation, namely to improve the design of the integrated electricity market, in particular to prevent unduly high electricity prices , -cannot be	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary to achieve those objectives.	principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary to achieve those objectives.	sufficiently achieved by the Member States, but can rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary to achieve those objectives.	
Formula				
67	HAS ADOPTED THIS REGULATION:	HAS ADOPTED THIS REGULATION:	HAS AVE ADOPTED THIS REGULATION:	
Article 1				
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	
Article 1, first paragraph				
69				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Regulation (EU) 2019/943 is amended as follows:	Regulation (EU) 2019/943 is amended as follows:	Regulation (EU) 2019/943 is amended as follows:	
Article 1, first paragraph, point (1)				
70	(1) Article 1 is amended as follows:	(1) Article 1 is amended as follows:	(1) Article 1 is amended as follows:	
Article 1, first paragraph, point (1)(-a)				
70a		<u><i>(-a) point (a) is replaced by the following:</i></u>		
Article 1, first paragraph, point (1)(-a), amending provision, first paragraph				
70b		<p>"</p> <p><u><i>(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;</i></u></p> <p>"</p>		AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (1)(a)				
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:	
Article 1, first paragraph, point (1)(a), amending provision, first paragraph				
72	<p>‘</p> <p>(b) set fundamental principles for well-functioning, integrated 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;</p>	<p>‘</p> <p>(b) set fundamental principles for well-functioning, integrated 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 <u>and protect</u> consumers, ensure <u>a level playing field for distributed renewable energy installations owned by citizens and energy communities, ensure</u> competitiveness on the global market, enhance <u>security of supply and</u> flexibility through demand response, energy storage, <u>energy sharing</u> and other non-fossil flexibility solutions, ensure energy efficiency, facilitate aggregation of</p>	<p>‘</p> <p>(b) set fundamental principles for well-functioning, integrated 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</p>	<p>AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		distributed demand and supply, and enable market and sectoral integration and market-based remuneration of electricity generated from renewable sources;	generated from renewable sources;'	
Article 1, first paragraph, point (1)(a), amending provision, first paragraph a				
72a		<u>consider the electricity sector as a key element of integrated energy system planning and operation of 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;'</u>		
Article 1, first paragraph, point (1)(b)				
73	(b) the following point is added:	(b) the following point is <u>points are</u> added:	(b) the following point is added:	
Article 1, first paragraph, point (1)(b), amending provision, first paragraph				
74	(e) support long-term investments in renewable energy generation and enable consumers' to make their energy bills less dependent	(e) support long-term investments in renewable energy generation <u>flexibility, including energy storage,</u> and enable consumers' to	(e) support long-term investments in renewable energy generation and enable consumers' to make their energy bills less dependent	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	from fluctuations of short-term electricity market prices, in particular fossil fuel prices in the medium to long-term.	make their energy bills <u>affordable</u> and less dependent from fluctuations of short-term electricity market prices, in particular fossil fuel prices in the medium to long-term.	from fluctuations of short-term electricity market prices, in particular fossil fuel prices in the medium to long-term.	
Article 1, first paragraph, point (1)(b), amending provision, first paragraph a				
74a		<u>(ea) set a framework for the adoption of measures to address electricity price crisis;</u>		
Article 1, first paragraph, point (1)(b), amending provision, third paragraph				
74b		<u>(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.</u>		AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).
Article 1, first paragraph, point (2)				
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:	
Article 1, first paragraph, point (2), amending provision, numbered paragraph (72)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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 <u>of the day, based on the forecasts of transmission system operators and, where applicable, nominated electricity market operators</u> , 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;	AT supports the council text. Peak hours may also occur at medium demand levels where RE supply is slow.
Article 1, first paragraph, point (2), amending provision, numbered paragraph (73)				
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 <u>from the grid</u> 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;	
Article 1, first paragraph, point (2), amending provision, numbered paragraph (74)				
78	(74) ‘peak shaving product’ means a market-based product through which market participants	(74) ‘peak shaving product’ means a market-based product through which market participants	(74) ‘peak shaving product’ means a market-based product through which market participants	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	can provide peak shaving to the transmission system operators;	can provide peak shaving to the transmission -system operators;	can provide peak shaving to the transmission system operators;	
Article 1, first paragraph, point (2), amending provision, numbered paragraph (75)				
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;	<i>deleted</i>	(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;	
Article 1, first paragraph, point (2), amending provision, numbered paragraph (76)				
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;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (2), amending provision, numbered paragraph (77)				
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 <i>on a market basis</i> ;	(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;	
Article 1, first paragraph, point (2), amending provision, numbered paragraph (78)				
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 <i>an electricity that</i> <u>a</u> producer receives in exchange for the sale and delivery of electricity <u>or for the provision of other services related to the energy system</u> in the Union, regardless of the contractual form in which such exchange takes place, <u>including power purchase agreements and other hedging operations against fluctuations in the wholesale electricity market</u> , and excluding any support granted by Member States;	<i>deleted</i>	
Article 1, first paragraph, point (2), amending provision, numbered paragraph (78a)				
82a		<u>78a. ‘settlement’ means a payment that is made and</u>		Definition of settlement can be included.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>received between counterparties, against delivery and receipt of electricity where applicable, in fulfilment of the counterparties' respective obligations pursuant to one or more clearing transactions;</u>		
Article 1, first paragraph, point (2), amending provision, numbered paragraph (79)				
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 <u>measurement</u> device' means a device <u>linked or</u> attached to, or embedded in, an asset that sells <u>provides</u> demand response or flexibility services on the electricity market or to transmission and distribution system operators <u>and that allows measuring the volume of demand response and flexibility services delivered;</u>	(79) 'dedicated metering <u>measurement</u> device' means a device attached <u>linked</u> to or embedded in an asset that sells <u>provides</u> demand response or flexibility services on the electricity market or to transmission and distribution system operators;	AT can support both texts.
Article 1, first paragraph, point (2), amending provision, numbered paragraph (79a)				
83a		<u>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;</u>		AT can support the added definition

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (2), amending provision, numbered paragraph (79b)				
83b		<u>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;</u>		AT supports to have a definition for flexible connection agreement, but the text shows room for improvement. It should not mention the words import/export to the network, which are used in a different context.
Article 1, first paragraph, point (2), amending provision, numbered paragraph (80)				
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.’	
Article 1, first paragraph, point (2), amending provision, numbered paragraph (80a)				
84a		<u>80a. ‘intraday market operator’ means any NEMO, power exchange or other entity which collects bids and offers for</u>		AT can support the added definition

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>intraday products, or products with essentially the same characteristics as intraday products, from market participants before or after the intraday cross-zonal gate closure time;</u>		
Article 1, first paragraph, point (2), amending provision, numbered paragraph (80b)				
84b		<u>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;</u>		AT can support the added definition
Article 1, first paragraph, point (2), amending provision, numbered paragraph (80c)				
84c		<u>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;’</u>		AT can support the added definition

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (2a), first subparagraph				
84d			(2a) In Article 2, the following point is amended as follows:	
Article 1, first paragraph, point (2a), second subparagraph				
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;	
Article 1, first paragraph, point (3)				
85	(3) Article 7 is amended as follows:	(3) Article 7 is amended as follows:	(3) Article 7 is amended as follows:	
Article 1, first paragraph, point (3)(a)				
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:	
Article 1, first paragraph, point (3)(a), amending provision, numbered paragraph (1)				
87	‘	‘	‘	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>1. Transmission system operators and NEMOs, or an entity designated by them, 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.</p>	<p>1. Transmission system operators and NEMOs, or an entity designated by them, 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 <u>and the transparency obligations and effective supervision against market manipulation laid down in Regulation ... [REMIT II].</u>;</p>	<p>1. Transmission system operators and NEMOs, or an entity designated by them, 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.'</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (3)(b)				
88	(b) paragraph 2 is amended as follows:	(b) paragraph 2 is amended as follows:	(b) paragraph 2 is amended as follows:	
Article 1, first paragraph, point (3)(b)(i)				
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:	
Article 1, first paragraph, point (3)(b)(i), amending provision, first paragraph				
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; ,’	
Article 1, first paragraph, point (3)(b)(ii)				
91	(ii) the following point (ca) is inserted:	(ii) the following point (ca) is inserted:	(ii) the following point (ca) is inserted:	
Article 1, first paragraph, point (3)(b)(ii), amending provision, first paragraph				
92	‘	‘	‘	Austria affirms its support for the fundamental principle of

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(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; <u>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;</u>	(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.	maximizing liquidity in the interconnected markets for the covered products. Nevertheless, there remains a degree of ambiguity within the proposals put forth by both the Council and the Parliament as well as the council mandate concerning the specific range of products encompassed by Article 7. Austria suggests the following technical clarification to address this issue : « can 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 of all orders for day-ahead and intraday products submitted 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 single day-ahead coupling and single intraday coupling products, or products with similar characteristics, outside the single day-ahead and intraday coupling shall not be organised during a period of one

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				hour preceding the latest point in time when day-ahead coupling or intraday trading with respect to particular instrument is allowed in a given bidding zone respectively. This obligation shall apply to NEMOs and to undertakings which directly or indirectly exercise control or any right over a NEMO
Article 1, first paragraph, point (3)(b)(iia)				
92a		<u>(iia) point (f) is replaced by the following:</u>		
Article 1, first paragraph, point (3)(b)(iia), amending provision, first paragraph				
92b		<u>'(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;';</u>		From an AT perspective, this point is already significantly weakened due to the "where applicable" wording, but in practice, providing this information will often not be possible (e.g., selling a total production from multiple facilities).
Article 1, first paragraph, point (4)				
93				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(4) the following Articles 7a and 7b are inserted:	(4) the following Articles 7a and 7b are inserted:	(4) the following Articles 7a and 7b are inserted:	
Article 1, first paragraph, point (4), amending provision, first paragraph				
94	Article 7a	Article 7a	Article 7a	
Article 1, first paragraph, point (4), amending provision, second paragraph				
95	Peak shaving product	Peak shaving product	Peak shaving product	
Article 1, first paragraph, point (4), amending provision, numbered paragraph (1)				
96	1. Without prejudice to Article 40(5) and 40(6) of the Electricity Directive, transmission system operators may procure peak shaving products in order to achieve a reduction of electricity demand during peak hours.	1. Without prejudice to Article 40(5) and 40(6) of the Electricity Directive, transmission system operators may to procure peak shaving products in order to achieve a reduction of electricity demand and price during peak hours. That assessment shall take into consideration the need for peak shaving products not to distort the functioning of the electricity markets, and not to cause a redirection of demand <u>By December 2024, ACER, after consulting ENTSO for Electricity, and the EU DSO Entity, shall carry out an assessment of the</u> Electricity Directive, transmission <u>possibility of</u> system operators may to procure peak shaving products in order to achieve a reduction of electricity demand <u>and price</u> during peak hours. <u>That assessment shall take into consideration the need for peak shaving products not to distort the functioning of the electricity markets, and not to cause a redirection of demand</u>	1. Where a regional or Union-wide electricity price crisis is declared in accordance with Article 66a of Directive (EU) 2019/944, and without prejudice to Article 40(5) and 40(6) of the Electricity Directive, transmission(6) of that Directive, Member States, may authorise system operators may to procure peak shaving products in order to achieve a reduction of electricity demand during in peak hours. Such procurement shall be limited to the duration set out in the decision adopted pursuant to	AT supports the council mandate, notably : <ul style="list-style-type: none"> that Member States shall decide whether to introduce peak shaving products that peak shaving products should solely be used in times of a Union electricity price crisis that peak shaving should be used to reduce demand, not prices (TSOs should not get the right to interfere with market prices) AT is flexible towards the inclusion of the EU DSO entity

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i><u>response services towards peak shaving products. That assessment shall also take into account specific national developments and assess the possibility of procuring peak shaving products under normal circumstances on the one hand and during electricity price crisis declared in accordance with Article 66a of Directive ... [revised EMD Directive] on the other. The Commission shall, where appropriate, submit a legislative proposal to amend this Regulation in order to introduce peak shaving products outside electricity price crisis situations.</u></i>	Article 66a(1) of Directive (EU) 2019/944.	AT is receptive to the EP proposal for conducting an impact assessment concerning the implementation of peak shaving products.
Article 1, first paragraph, point (4), amending provision, numbered paragraph (2)				
97	2. Transmission system operators seeking to procure a peak shaving product shall submit a proposal setting out the dimensioning and conditions for the procurement of the peak shaving product to the regulatory authority of the Member State concerned. The proposal of the transmission system operator shall comply with the following requirements:	21a. Transmission <i><u>Where the Commission has adopted a decision declaring an electricity price crisis pursuant to Article 66a of Directive ... [revised EMD Directive] and taking into account the results of the Agency's assessment as referred to in paragraph 1, or existing assessments until the latter is carried out,</u></i> system operators seeking <i><u>may, during the</u></i>	2. Transmission System operators seeking to procure a peak shaving product shall submit a proposal setting out the dimensioning and conditions for the procurement and activation of the peak shaving product to the regulatory authority of the Member State concerned. The proposal of the transmission system operator shall comply with the following requirements:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>application period of that decision, procure peak shaving products in order to achieve a reduction of electricity demand and price in peak hours.</u></p> <p><u>Where system operators seek</u> to procure a peak shaving product, <u>they</u> shall submit a proposal setting out the dimensioning and conditions for the procurement <u>and activation</u> of the peak shaving product to the regulatory authority of the Member State concerned. The proposal of the transmission <u>relevant</u> system operator shall comply with the following requirements:</p>	PUBLIC	
Article 1, first paragraph, point (4), amending provision, numbered paragraph (2), point (a)				
98	(a) the dimensioning of the peak shaving product shall be based on an analysis of the need for an additional service to ensure security of supply. The analysis shall take into account a reliability standard or objective and transparent grid stability criteria approved by the regulatory authority. The dimensioning shall take into account the forecast of demand, the forecast of electricity	(a) the dimensioning of the peak shaving product shall be based on an analysis of the need for an additional service to ensure security of supply. The analysis shall take into account <u>the market impact of the peak shaving product, its expected costs and benefits and</u> a reliability standard or objective and transparent grid stability criteria approved by the regulatory authority. The	(a) the dimensioning of the peak shaving product shall be based on an analysis of the need for an additional service to ensure security of supply. The analysis shall take into account a reliability standard or objective and transparent grid stability criteria approved by the regulatory authority, of its impact on the market and of its expected costs and benefits. The dimensioning	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	generated from renewable energy sources and the forecast of other sources of flexibility in the system. The dimensioning of the peak shaving product shall be limited to ensure that the expected benefits of the product do not exceed the forecasted costs;	dimensioning shall take into account the forecast of demand, the forecast of electricity generated from renewable energy sources and the forecast of other sources of flexibility in the system, <u>such as energy storage</u> . The dimensioning of the peak shaving product shall be <u>transparent, carried out after consulting market participants and</u> limited to ensure that the <u>forecasted costs do not exceed the</u> expected benefits of the product <u>and</u> do not exceed <u>the forecasted costs</u> <u>increase the greenhouse gas emissions of the energy system at the moment of its activation</u> ;	shall take into account the forecast of demand, the forecast of electricity generated from renewable energy sources and , the forecast of other sources of flexibility in the system, and the wholesale price impact of the avoided dispatch . The dimensioning of the peak shaving product shall be limited to ensure that forecasted costs do not exceed -the expected benefits of the product do not exceed the forecasted costs;;	
Article 1, first paragraph, point (4), amending provision, numbered paragraph (2), point (b)				
99	(b) the procurement of a peak shaving product shall be based on objective, transparent, non-discriminatory criteria and be limited to demand response;	(b) the procurement of a peak shaving product shall be based on objective, <u>market-based</u> , transparent, non-discriminatory criteria and be limited to demand response; <u>it shall not exclude participating assets from accessing other markets</u> ;	(b) the procurement of a peak shaving product shall be based on objective, transparent, non-discriminatory criteria and be limited to demand response;	
Article 1, first paragraph, point (4), amending provision, numbered paragraph (2), point (c)				
100				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(c) the procurement of the peak shaving product shall take place using a competitive bidding process, with selection based on the lowest cost of meeting pre-defined technical and environmental criteria;	(c) the procurement of the peak shaving product shall take place using a competitive bidding process, <u>which may be continuous</u> , with selection based on the lowest cost of meeting pre-defined technical and environmental criteria, <u>and shall allow the effective participation of small consumers, directly or through aggregation</u> ;	(c) the procurement of the peak shaving product shall take place using a competitive bidding process, <u>which can be continuous</u> , with selection based on the lowest cost of meeting pre-defined technical and environmental criteria;	
Article 1, first paragraph, point (4), amending provision, numbered paragraph (2), point (ca)				
100a		<u>(ca) the minimum bid size shall be 100 kW, including through aggregation</u> ;		
Article 1, first paragraph, point (4), amending provision, numbered paragraph (2), point (d)				
101	(d) contracts for a peak shaving product shall not be concluded more than two days before its activation and the contracting period shall be no longer than one day;	(d) contracts for a peak shaving product shall not be concluded more than two days <u>a week-ahead</u> before its activation and the contracting period shall be no longer than one day ;	(d) contracts for a peak shaving product shall not be concluded more than two days <u>a week</u> before its activation and the contracting period shall be no longer than one day ;;	
Article 1, first paragraph, point (4), amending provision, numbered paragraph (2), point (e)				
102				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(e) the activation of the peak shaving product shall not reduce cross-zonal capacity;	(e) the activation of the peak shaving product shall not reduce cross-zonal capacity;	(e) the activation of the peak shaving product shall not reduce cross-zonal capacity;	
Article 1, first paragraph, point (4), amending provision, numbered paragraph (2), point (f)				
103	(f) the activation of the peak shaving product shall take place after the closure of the day-ahead market and before the start of the balancing market;	(f) the activation of the peak shaving product shall take place after the closure of the day-ahead market and before the start of the balancing market;	(f) the activation of the peak shaving product shall take place after the closure of before or within the day-ahead market and before the start of the balancing market may be done based on a predefined electricity price;	
Article 1, first paragraph, point (4), amending provision, numbered paragraph (2), point (g)				
104	(g) the peak shaving product shall not imply starting generation located behind the metering point.	(g) the peak shaving product shall not imply starting generation located behind the metering point.	(g) the peak shaving product shall not imply starting fossil fuel-based generation located behind the metering point.	
Article 1, first paragraph, point (4), amending provision, numbered paragraph (3)				
105	3. The actual reduction of consumption resulting from the activation of a peak shaving product shall be measured against a baseline, reflecting the expected electricity consumption without the activation of the peak shaving product. Transmission system	3. The actual reduction of consumption resulting from the activation of a peak shaving product shall be measured against a baseline, reflecting the expected electricity consumption without the activation of the peak shaving product. Transmission <u>Where a</u>	3. The actual reduction of consumption resulting from the activation of a peak shaving product shall be measured against a baseline, reflecting the expected electricity consumption without the activation of the peak shaving product. Where a transmission	AT comment: Keep council text, notably : <ul style="list-style-type: none"> Member States shall decide whether to introduce peak shaving products

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	operators shall develop a baseline methodology in consultation with market participants and submit it to the regulatory authority.	system operators <u>operator decides to procure a peak shaving product in accordance with paragraph 2, second subparagraph of this Article, it</u> shall develop a baseline methodology in consultation with market participants and <u>in compliance with Article 23 of Directive (EU) 2019/944 and the procedures set out in the network code adopted pursuant to Article 59 and</u> submit it to the regulatory authority <u>for approval. Where the proposal referred to in paragraph 2, second subparagraph of this Article, does not meet the requirements laid down in that subparagraph, the regulatory authority shall request the system operator to amend the proposal.</u>	system operators <u>operator decides to procure a peak shaving product in accordance with paragraph 1</u> it shall develop a baseline methodology in consultation with market participants and submit it to the regulatory authority.	<ul style="list-style-type: none"> The procurement proposal shall be assessed and approved by the NRA
Article 1, first paragraph, point (4), amending provision, numbered paragraph (4)				
106	4. Regulatory authorities shall approve the proposal of the transmission system operators seeking to procure a peak shaving product and the baseline methodology submitted in accordance with paragraphs 2 and 3 or shall request the transmission system operators to amend the	<i>deleted</i>	4. Regulatory authorities shall approve the proposal of the transmission system operators seeking to procure a peak shaving product and the baseline methodology submitted in accordance with paragraphs 2 and 3 or shall request the transmission system operators to amend the	Keep council text.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	proposal where it does not meet the requirements set out in these paragraphs.		proposal where it does not meet the requirements set out in these paragraphs.	
Article 1, first paragraph, point (4), amending provision, seventh paragraph				
107	Article 7b	Article 7b	Article 7b	
Article 1, first paragraph, point (4), amending provision, eighth paragraph				
108	Dedicated metering device	Dedicated metering <u>measurement</u> device	Dedicated metering <u>measurement</u> device	
Article 1, first paragraph, point (4), amending provision, numbered paragraph (1)				
109	1. “Member States shall allow transmission system operators and distribution system operators to use data from dedicated metering devices for the observability and settlement of demand response and flexibility services, including from storage systems.	1. <u>“Without prejudice to Article 19 of Directive (EU) 2019/944,</u> Member States shall allow <u>customers and market participants, including independent aggregators, with explicit consent from the owners and users,</u> transmission system operators and distribution system operators to <u>have access and</u> use data from dedicated metering <u>measurement</u> devices for the observability, <u>settlement and flexibility services as well as energy sharing</u> and settlement of demand response and flexibility	1. “Member States shall allow Upon the consent of the final customer, transmission system operators and distribution system operators to may use data from dedicated metering measurement devices for the observability and settlement of demand response and flexibility services, including from storage systems.	AT comment : Keep council position, as it is more precise as regards the provisions for dedicated metering devices.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>services</i> , including from <u>demand response and energy</u> storage systems <u>in accordance with the applicable Union data protection and privacy law, in particular Regulation (EU) 2016/679. Such data may be used for research purposes, provided that it has been aggregated and anonymised.</u>		
Article 1, first paragraph, point (4), amending provision, numbered paragraph (1a)				
109a			<p>2. Where a final customer does not have a smart meter installed or where the smart meter of a final customer does not deliver the necessary data to provide demand response or flexibility services, including through an independent aggregator, transmission system operators and distribution system operators shall accept the data from a dedicated measurement device, where available, for the settlement of demand response and flexibility services, including storage systems, and shall not discriminate against that final customer in their procurement of flexibility services. This obligation shall apply upon the establishment and subject to</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			compliance with the rules and requirements established by the Member States pursuant to paragraph 3.	
Article 1, first paragraph, point (4), amending provision, numbered paragraph (2)				
110	2. Member States shall establish requirements for a dedicated metering device data validation process to check and ensure the quality of the respective data.;	2. Member States shall establish <u>harmonised</u> requirements for a dedicated metering <u>measurement</u> device data validation process to check and ensure the quality <u>and consistency</u> of the respective data, <u>and also the interoperability of new dedicated measurement devices installed after .÷. [date of entry into force of this amending Regulation], in accordance with Article 23 of Directive (EU) 2019/944 and the procedures set out in the network code adopted pursuant to Article 59(1), point (e), of this Regulation and taking into account the relevant Union law on measurement instruments.</u>	23. Member States shall establish requirements for a dedicated metering <u>measurement</u> device data validation process to check and ensure the quality of the respective data.';	AT is flexible as regards interoperability standards of DMDs.
Article 1, first paragraph, point (4), amending provision, numbered paragraph (2a)				
110a		<u>2a. Where flexibility interventions are planned through the usage of such dedicated measurement devices,</u>		AT is open to the text proposal from the EP. Informing system operators about the provision of flexibility


	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>system operators shall be informed to ensure the electricity system stability.</u> ;		interventions appears sensible to improve system stability.
Article 1, first paragraph, point (5)				
111	(5) Article 8 is amended as follows:	(5) Article 8 is amended as follows:	(5) Article 8 is amended as follows:	
Article 1, first paragraph, point (5)(a)				
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:	
Article 1, first paragraph, point (5)(a), amending provision, first paragraph				
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 <u>From</u> 1 January 2028 <u>2026</u> , the intraday cross-zonal gate closure time shall <u>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</u> ’	‘ 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 <u>2026</u> , 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 ’	AT recommends to keep the council position in order to prevent a too large fragmentation of the european intraday market if several different derogation are applied.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>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:</u></p> <p><u>(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) 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</u></p> <p><u>(b) an action plan aiming to shorten the intraday cross-zonal gate closure time to 30 minutes by 1 January 2029.</u></p> <p><u>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</u></p>	<p>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:</p> <p>a) an impact assessment that demonstrates the need for the derogation, based on a risk for security of supply and taking into account feedback from market participants and NEMOs, and</p> <p>b) an action plan to shorten the intraday cross-zonal gate closure time to 30 minutes by no later than 1 January 2029.</p> <p>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</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>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:</u></p> <p><u>(a) a new impact assessment justifying the need for a further 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</u></p> <p><u>(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.</u></p> <p><u>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</u></p>	<p>regulatory authority of the requesting transmission system operator, the ENTSO for Electricity and ACER no later than 1 January 2028 and shall include:</p> <p>(a) a new impact assessment justifying the need for a further derogation, based on risks to security of supply, taking into account feedback from market participants and NEMOs,</p> <p>(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.</p> <p>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.’</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>regulatory authority concerned shall take that opinion into account before deciding upon a request for a derogation.</u></p> <p><u>By 1 December 2027, the Commission, after consulting NEMOs, ENTSO for Electricity, ACER and relevant stakeholders, shall submit a report to the European 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.';</u></p>		
Article 1, first paragraph, point (5)(b)				
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:	
Article 1, first paragraph, point (5)(b), amending provision, first paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
115	‘ NEMOs shall provide products for trading in day-ahead and intraday markets 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.’	‘ NEMOs shall provide products for trading in day-ahead and intraday markets which are sufficiently small in size, with minimum bid sizes of 100kW <u>100 kW</u> or less, to allow for the effective participation of demand-side <u>demand</u> response, energy storage and small-scale renewables including direct participation by customers, <u>including through aggregation.</u> ’;	‘ 3. ‘NEMOs shall provide products for trading in day-ahead and intraday markets 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.’	
Article 1, first paragraph, point (6)				
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:	
Article 1, first paragraph, point (6), amending provision, first paragraph				
117	‘ Article 9	‘ Article 9	‘ Article 9	
Article 1, first paragraph, point (6), amending provision, second paragraph				
118	Forward markets	Forward markets	Forward markets	
Article 1, first paragraph, point (6), amending provision, numbered paragraph (-1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
118a		<p><u>-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.</u></p>		<p>AT prefers the EP text :</p> <p>The introduction of Regional Virtual Hubs (RVH) is seen by AT as an opportunity to enhance liquidity in the forward markets. At the same time, there is no prior experience in this regard. AT therefore, welcomes the Parliament's proposal to replace the mandatory introduction of RVH with a phased process, as outlined in the relevant Network Code Forward Capacity Allocation (Regulation (EU) 2016/1719), based on a well-founded Impact Assessment. For consistency, the text should not contain references defining RVH as a specific target with corresponding deadlines until the results of such an analysis are available. The goal is to provide a comprehensive comparison of the actual hedging needs of market participants with the risks and costs of implementing RVH in various configurations (geography, reference price method, etc.).</p> <p>Additionally, another positive aspect of the Parliament's proposal is the explicit examination of the</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				hedging needs of market participants, as opposed to solely referencing Long-Term Transmission Rights in the Council's proposal.
Article 1, first paragraph, point (6), amending provision, numbered paragraph (-1a)				
118b		<p><u>-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:</u></p> <p><u>(a) the frequency of auctions for long-term transmission rights;</u></p> <p><u>(b) adequate product maturities for transmission rights extended up to at least three years;</u></p> <p><u>(c) the development of a secondary market;</u></p> <p><u>(d) adoption of products such as financial transmission rights obligations;</u></p> <p><u>(e) the improvement of investors' certainty and consumer price stability;</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>(f) process on full cost-recovery to handle any financial risks and losses arising from these additional measures ensured by the regulatory authority;</u></p> <p><u>(g) the timeline for implementation.</u></p>		
Article 1, first paragraph, point (6), amending provision, numbered paragraph (1)				
119	<p>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:</p>	<p>1. By 1 December 2024 the ... <u>18 months after the date of entry into force of this amending Regulation], the Commission, after consulting ACER, ENTSO for Electricity and ESMA, including other relevant stakeholders,</u> shall submit to ACER, after having consulted ESMA, a proposal for the <u>European Parliament and to the Council an assessment of the impact of</u> the establishment of regional virtual hubs for the forward market <u>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</u> shall <u>focus, inter alia, on:</u></p>	<p>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.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (6), amending provision, numbered paragraph (1), point (a)				
119a		<i><u>(-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 drawbacks that regional virtual hubs would bring as compared to the existing zonal model;</u></i>	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, that establishes the design referred to in paragraph 1. This implementing act shall in particular:	
Article 1, first paragraph, point (6), amending provision, numbered paragraph (1a)				
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 <u>defining the adequate</u> geographical scope of the <u>regional</u> virtual hubs for the forward market , including the bidding zones constituting these hubs <u>and specific situations of bidding zones belonging to two or more virtual hubs</u> , aiming to maximise the price correlation between the reference prices and the prices of the bidding zones constituting <u>regional</u> 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;	
Article 1, first paragraph, point (6), amending provision, numbered paragraph (1), point (aa)				
120a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i><u>(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, point (d)(1), of Regulation (EU) 2018/1999;</u></i>		
Article 1, first paragraph, point (6), amending provision, numbered paragraph (1b)				
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 <i>evaluating</i> a methodology for the calculation of the reference prices for the <i>regional</i> virtual hubs for the forward market, aiming to maximise the correlations between the reference price and the prices of the bidding zones constituting a <i>regional</i> 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;	
Article 1, first paragraph, point (6), amending provision, numbered paragraph (1b), point (a)				
122	(c) include a definition of financial long-term transmission rights from bidding zones to the virtual hubs for the forward market;	(c) include <i>including</i> a definition of financial long-term transmission rights from bidding zones to the <i>regional</i> virtual hubs for the forward <i>as financial</i>	(c) include a definition of financial long-term transmission rights from between bidding zones to the and the regional virtual hubs for the forward <i>as</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>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 offer trading of long-term transmission rights between each bidding zone and the regional virtual hub</u> ;	financial obligations to enable market participants to hedge their exposure to positive and negative price spreads, including as regards to volumes and maturities;	
Article 1, first paragraph, point (6), amending provision, numbered paragraph (1b), point (b)				
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) <u>how to</u> maximise the trading opportunities for hedging products referencing the <u>regional</u> virtual hubs for the forward market as well as for long term transmission rights from bidding zones to <u>regional</u> 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	
Article 1, first paragraph, point (6), amending provision, numbered paragraph (1b), point (c)				
123a		<u>(da) specifying how the single allocation platform referred to in paragraph 3 shall offer allocation and facilitate trading of long-term transmission rights</u> ;	(e) specify how the single allocation platform referred to in paragraph 3 shall offer allocation and facilitate trading of long-term transmission rights.	
Article 1, first paragraph, point (6), amending provision, numbered paragraph (1), point (db)				
123b				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>(db) including an indicative implementation process.</i>		
Article 1, first paragraph, point (6), amending provision, numbered paragraph (2)				
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.	<i>deleted</i>	<i>deleted</i>	
Article 1, first paragraph, point (6), amending provision, numbered paragraph (3)				
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 Parliament and of the Council.	3. The single allocation platform established in accordance with Regulation (EU) 2016/1719 shall <i>act as an entity offering allocation and facilitating trading of long-term transmission rights on behalf of the transmission system operators. It shall</i> have a legal form as referred to in Annex II to Directive (EU) 2017/1132 of the European Parliament and of the Council.	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 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 . _____	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			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).	
Article 1, first paragraph, point (6), amending provision, numbered paragraph (4)				
126	4. The single allocation platform shall:	4. The single allocation platform shall:	<i>deleted</i>	
Article 1, first paragraph, point (6), amending provision, numbered paragraph (4), point (a)				
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, <u>where relevant, regional</u> 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;	<i>deleted</i>	
Article 1, first paragraph, point (6), amending provision, numbered paragraph (4), point (b)				
128	(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	(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	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	shall support the efficient functioning of the forward market;	shall support the efficient functioning of the forward market;		
<i>Article 1, first paragraph, point (6), amending provision, numbered paragraph (4), point (c)</i>				
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	
<i>Article 1, first paragraph, point (6), amending provision, numbered paragraph (5)</i>				
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 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	5. Where a regulatory authority, <u>on the basis of the assessment referred to in paragraph 1 of this Article</u> 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 <u>under in Article 4(1), point (15), of Directive (EU) 2014/65, regulatory authorities</u> (15), it may require power exchanges or transmission system operators to	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 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 Council¹ , it may require power exchanges or transmission system operators to implement additional measures, such as market-making activities,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	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 <u>No 648/2012</u> 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.	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 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).	
Article 1, first paragraph, point (6), amending provision, numbered paragraph (5a)				
130a			6. Subject to compliance with Union competition law and with	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>Directive (EU) 2014/65 and Regulations (EU) 648/2012 of the European Parliament and of the Council¹ and 600/2014 of the European Parliament and of the Council², 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.</p> <p>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)</p>	
Article 1, first paragraph, point (7)				


	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
131	(7) Article 18 is amended as follows:	(7) Article 18 is amended as follows:	(7) Article 18 is amended as 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:	
Article 1, first paragraph, point (7)(aa)				
132a		CELL ADDED BY MISTAKE CANNOT BE DELETED WITHOUT DELETING THE AMENDING PROVISION. PLEASE DELETE ONLY 132A.		
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	“ 2. Tariff methodologies shall reflect the fixed costs of transmission system operators and distribution system operators and , shall consider both capital and operational expenditure, <u>or an efficient combination of both</u> , to provide appropriate incentives to transmission system operators and distribution system operators over both the short and long run,	“ 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	AT supports the EP wording on tariff methodologies, anticipatory investments and the stronger emphasis on flexibility.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>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 digitalisation, flexibility services and interconnection;</p> <p>”</p>	<p>including anticipatory investments, in order <u>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</u> to increase efficiencies, including energy efficiency, to foster market integration, <u>renewable energy production capacity</u> and security of supply, to support the use of flexibility services, <u>to enable the use of flexible connection arrangements</u>, efficient <u>and timely</u> investments, including solutions to optimise the existing grid and <u>to ensure the development of a smart grid and</u> facilitate <u>energy storage</u>, demand response and related research activities, <u>to reduce environmental impact, to promote acceptance</u>, and to facilitate innovation in the interest of consumers in areas such as digitalisation, flexibility services and interconnection, <u>in particular to develop the required infrastructure to reach the</u></p>	<p>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 storage, related research activities, and to facilitate innovation in the interest of consumers in areas such as digitalisation, flexibility services and interconnection”;</p> <p>”</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>minimum 15 % electricity interconnection target for 2030 laid down in Article 4, point (d)(1), of Regulation (EU) 2018/1999.</u></p> <p><u>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 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.</u>”</p>		
Article 1, first paragraph, point (7)(ab)				
133a		<p><u>(ab) paragraph 3 is replaced by the following:</u></p>		
Article 1, first paragraph, point (7)(ab), amending provision, first paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
133b		<p>"</p> <p><u>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 congestion caused, and investment costs for infrastructure.';</u></p> <p>"</p>		AT support this addition. Smart tariff structures are a critical element to provide appropriated incentives to integrate renewable energy and to reduce power grid reinforcement costs.
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:	
Article 1, first paragraph, point (7)(b), amending provision, numbered paragraph (8)				
135	<p>“</p> <p>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</p>	<p>“</p> <p>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</p>	<p>“</p> <p>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</p>	<p>AT supports the council text.</p> <p>In particular the energy efficiency first principle should not be part of the transmission and distribution tariff methodologies :</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>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 smart grids and intelligent metering systems.</p>	<p>of services. For that purpose, regulatory authorities shall recognise relevant costs as eligible, <u>including those related to anticipatory investments</u>, shall include those costs in transmission and distribution tariffs, and, <u>where applicable</u>, shall introduce performance targets in order to provide incentives to transmission and distribution system operators to increase <u>efficiencies overall system efficiency, quality and security of supply</u> in their networks, including through energy efficiency <u>by applying the energy efficiency first principle as defined in Article 2, point (18), of Regulation (EU) 2018/1999</u>, the use of flexibility <u>and demand response</u> services and the development of smart grids and intelligent metering systems <u>in accordance with the features of the given electricity system and climate policy objectives</u>.</p>	<p>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 services and the development of smart grids and intelligent metering systems.</p>	<p>In times of very high RES infeed and respective negative electricity prices, grid tariffs should incentivise to use, convert or store MORE energy, so that this renewable energy is not wasted/curtailed !</p> <p>In general no objection on anticipatory investments - but do not support an obligation to acknowledge costs (potentially for all of them) - only those which are considered in a Network Development Plan - and approved there</p>
Article 1, first paragraph, point (7)(b), amending provision, numbered paragraph (8a)				
135a		<p><u>8a. Transmission and distribution system operators shall offer the possibility of establishing flexible connection</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>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:</u></p> <p><u>(a) the maximum firm import and export of electricity from and to the grid, as well as the additional flexible import and export capacity that can be connected and differentiated by time blocks throughout the year;</u></p> <p><u>(b) the network charges applicable to both the firm and flexible import and export capacities;</u></p> <p><u>(c) the probabilities of curtailment if the maximum firm capacity is exceeded;</u></p> <p><u>(d) the agreed duration of the flexible connection agreement and the agreed date for granting connection to the entire requested firm capacity.</u></p> <p><u>The system user requesting a flexible grid connection shall be requested to install a power</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>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.';</u>		
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:	
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 <u>determined in close consultation with relevant stakeholders, including from 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,</u> ,’	‘ (f) methods to ensure transparency in the setting and structure of tariffs, including anticipatory investments; ,’	AT can support the EP proposal.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>point (9a), of Directive (EU) 2018/2001;</u>		
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:	
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 <u>flexible</u> resources and flexible connection agreements.	(i) incentives for efficient investments in networks, including on flexibility resources 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:	
Article 1, first paragraph, point (8)(a)				
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:	
Article 1, first paragraph, point (8)(a), amending provision, first paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
142	<p>(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</p>	<p>(b) maintaining or <u>maximising and</u> 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</p>	<p>(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</p>	
Article 1, first paragraph, point (8)(b)				
143	<p>(b) the following point (c) is added:</p>	<p>(b) the following point (c) is added:</p>	<p>(b) the following point (e)-is added:</p>	
Article 1, first paragraph, point (8)(b), amending provision, first paragraph				
144	<p>(c) compensating offshore generation plant operators in an 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 enough capacity available on the interconnector or the critical</p>	<p>(c) compensating offshore generation plant operators in an <u>as part of the permitting process and following a coordinated decision taken by the Member States concerned, on the implementation of</u> offshore bidding zone if access to interconnected markets has been</p>	<p>(c) compensating offshore renewable electricity generation plant operators in an offshore bidding zone directly connected 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</p>	<p>While AT remains critical as regards compensations from TSOs to generators, AT approves the EP text that clarifies the conditions and clearly limits the amount of recompensations.</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>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.</p>	<p>reduced in such a way that one or more transmission system operators have not made <u>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</u> enough capacity available on the interconnector <u>as agreed in the connection agreement or in</u> or the critical network elements affecting the capacity of the interconnector, resulting in <u>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</u> <u>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 compensation of all generators in the concerned bidding zone shall</u></p>	<p>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.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>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.</u></p> <p><u>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.';</u></p>		
Article 1, first paragraph, point (9)				
145	(9) The following chapter IIIa is inserted:	(9) The following chapter IIIa is inserted:	(9) The following chapter III a is inserted:	
Article 1, first paragraph, point (9), amending provision, first paragraph				
146	‘ Chapter IIIa	‘ Chapter IIIa	‘ Chapter IIIa	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (9), amending provision, second paragraph				
147	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 1, first paragraph, point (9), amending provision, fourth paragraph				
149	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 <u>remove barriers and</u> facilitate power purchase agreements ('PPAs'), <u>in particular renewables power purchase agreements</u> 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 <u>Article 4</u> , point (a) of <u>Article 4</u> , of Regulation (EU) 2018/1999, <u>and to ensure more predictable electricity prices</u> while preserving competitive and liquid electricity markets. <u>In order to</u>	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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>ensure the removal of barriers to PPAs, the Commission may draw up specific guidance on how to alleviate administrative obligations and accounting complexities related to PPAs.</u>	decarbonisation referred to in point (a) of Article 4 of Regulation (EU) 2018/1999, while preserving competitive and liquid electricity markets.	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (1a)				
150a		<u>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.</u>		AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).
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	2. Member States shall ensure that instruments such as guarantee schemes at market prices, in a <u>coordinated manner and where appropriate with the support of the European Investment Bank ('EIB') or other Union-level facilities shall ensure that</u>	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	AT with flexibility towards EP addition regarding PPA promotion.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	<u>instruments</u> 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. <u>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</u> 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 <u>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.</u>	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 categories of customers are targeted by these instruments, applying non-discriminatory criteria.	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (3)				
152				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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, <u>the EIB or other Union-level facilities</u> shall include provisions to avoid lowering the liquidity in electricity markets and shall not provide support to the purchase of generation from fossil fuels <u>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.</u>	3. Without prejudice to Articles 107 and 108 TFEU, if a guarantee 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.	
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	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 <u>renewables</u> PPA or other market-based arrangements, <u>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</u>	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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	sign a PPA for part of the project's generation from one or several potential buyers that face entry barriers to the PPA market.	<i>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 marketare 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.</i>	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 (4a)				
153a		<u>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.</u>	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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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.	56. 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	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.	67. 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.	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (6a)				
155a		<u>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.</u>		AT opposes the EP text, as any regulatory measure may have an impact on PPAs and their economic benefits; this might block any measures in the future
Article 1, first paragraph, point (9), amending provision, numbered paragraph (6b)				
155b				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>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.</i></u>		
Article 1, first paragraph, point (9), amending provision, fourth paragraph a				
155c		<u><i>Article 19aa Union PPA database</i></u>		
Article 1, first paragraph, point (9), amending provision, sixteenth paragraph				
155d		<u><i>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.</i></u>		The database should only contain PPAs above a certain threshold, and only apply to those that are not to already reported under REMIT anyway.
Article 1, first paragraph, point (9), amending provision, seventeenth paragraph				
155e		<u><i>2. For the purpose of setting up the Database, market</i></u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>participants entering into PPAs, or persons acting on their behalf, 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.</u>		
Article 1, first paragraph, point (9), amending provision, eighteenth paragraph				
155f		<u>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.</u>		
Article 1, first paragraph, point (9), amending provision, nineteenth paragraph				
155g		<u>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</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>format for electronic submissions. ACER shall ensure that the Database is fully operational by ... [12 months after the date of entry into force of this amending Regulation].</u>		
Article 1, first paragraph, point (9), amending provision, twentieth paragraph				
155h		<u>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).</u>		
Article 1, first paragraph, point (9), amending provision, twenty-first paragraph				
155i		<u>Article 19ab</u> <u>Voluntary standardised PPAs</u>		AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).
Article 1, first paragraph, point (9), amending provision, twenty-second paragraph				
155j		<u>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</u>		AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>customers of different size. The use of those standardised PPAs shall be voluntary for the contracting parties. Standardised PPAs shall have, inter alia, the following characteristics:</u></p> <p><u>(a) offer a variety of short term contract durations, including of up to five years;</u></p> <p><u>(b) offer electricity supply at different timeframes;</u></p> <p><u>(c) provide different price formulas;</u></p> <p><u>(d) consider the load profile required by the customer.</u></p> <p><u>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.</u></p>	PUBLIC	
Article 1, first paragraph, point (9), amending provision, twenty-third paragraph				
155k		<p><u>Article 19ac</u></p> <p><u>European Renewable Energy Auction Scheme</u></p>		<p>AT welcomes a deliberation regarding the most suitable course of action in the event that the level of ambition within Member States falls short of achieving the European Union's Renewable Energy (RE) target.</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<p>AT advocates for ambitious renewable energy targets and supports the implementation of a governance directive designed to guarantee the successful attainment of these objectives.</p> <p>AT remains open to the idea of evaluating the potential effectiveness of a European Renewable Energy Auction Scheme, as proposed by the European Parliament, as a suitable tool to ensure compliance with these targets.</p> <p>However, there is a legitimate concern regarding whether the European Energy Market Directive (EMD) is the appropriate framework for instituting alterations to the governance mechanisms related to EU Renewable Energy targets.</p>
Article 1, first paragraph, point (9), amending provision, twenty-fourth paragraph				
1551		<p><u>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</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>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 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 %.</u></p>		
Article 1, first paragraph, point (9), amending provision, twenty-fifth paragraph				
155m		<p><u>2. The additional measures referred to in paragraph 1 may include investments into co-located infrastructure or storage to enable the power system integration of the renewable electricity generated.</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (9), amending provision, eleventh paragraph				
156	Article 19b	Article 19b	Article 19b	
Article 1, first paragraph, point (9), amending provision, twelfth paragraph				
157	Direct price support schemes for new investments in generation	Direct price support schemes for new investments in <u>electricity</u> generation	Direct price support schemes in the form of two-way contracts for difference for new investments in generation	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (6a), first subparagraph				
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 <u>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</u>	1. 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.	AT prefers the Council text and notably the clear CfD design criteria. AT is in flexible towards : <ul style="list-style-type: none"> • Weakening of the obligation to rely on CfDs • Implementing a proportionality requirement in CfDs for existing assets • Allowing redistribution to undertakings only if they demonstrate significant emission reductions through their decarbonisation efforts for reaching climate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>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.</u> New investments for the generation of electricity shall include investments in new power-generating facilities; <u>or</u> investments aimed at repowering <u>aiming to repower</u> existing power-generating facilities; <u>or</u> investments aimed at extending <u>aiming to extend</u> existing power-generating facilities or at prolonging their lifetime <u>if the increase of power generation capacity is substantial.</u></p>		<p>neutrality, including a transformation plan that sets out key elements on their pathway</p>
Article 1, first paragraph, point (9), amending provision, numbered paragraph (6a), second subparagraph				
158a		<p><u>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.</u></p>	<p>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</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			five years after [the date of entry into force of this Regulation].	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (6a), third subparagraph				
158b		<u>The first subparagraph shall 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].</u>	The participation of market participants in direct price support schemes in the form of two-way contracts for difference shall be voluntary.	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (6b)				
158c		<u>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.</u>	1a. All direct price support schemes in the form of two-way contracts for difference shall be designed to:	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (6b), point (a)				
158d			(a) preserve incentives for the generating facility to operate and participate efficiently in the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			electricity markets, in particular to reflect market circumstances.	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (6b), point (b)				
158e			(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;	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (6b), point (c)				
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;	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (6b), point (d)				
158g			(d) avoid undue distortions to competition and trade in the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			internal market, notably by determining remuneration amounts through a competitive bidding process that it is open, 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.	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (6b), point (e)				
158h			(e) Avoid distortions to competition and trade in the internal market. resulting from the distribution of revenues to undertakings.	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (6c)				
158i			1b. In the assessment of two-way contracts for difference under Articles 107 and 108 TFEU, the Commission shall ensure compliance with the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			design principles pursuant to paragraph 1a.	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (2)				
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:	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (2), point (a)				
160	(a) wind energy;	(a) wind energy;	(a) wind energy;	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (2), point (b)				
161	(b) solar energy;	(b) solar energy;	(b) solar energy;	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (2), point (c)				
162	(c) geothermal energy;	(c) geothermal energy;	(c) geothermal energy;	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (2), point (d)				
163	(d) hydropower without reservoir;	(d) hydropower without reservoir;	(d) hydropower without reservoir;	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (2), point (e)				
164				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(e) nuclear energy;	(e) nuclear energy;	(e) nuclear energy;	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (3)				
165	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 <u>as referred to in paragraph 1 shall at least:</u>	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:	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (3),				
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 <u>customers, with particular attention to vulnerable customers and</u> based <u>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</u>	(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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>energy sources, electric vehicles charging infrastructure, energy efficiency and storage, or to cover energy-intensive industries at risk 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;</u>	<p>The distribution of revenues to final customers based on shall be designed to maintain incentives to reduce their share 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.</p>	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (3), point (b)				
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	(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	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	not to undermine competition between electricity suppliers;	not to undermine competition between electricity suppliers;		
Article 1, first paragraph, point (9), amending provision, numbered paragraph (3), point (ba)				
167a		<u>(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;</u>		
Article 1, first paragraph, point (9), amending provision, numbered paragraph (3), point (bb)				
167b		<u>(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;</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 1, first paragraph, point (9), amending provision, numbered paragraph (3), point (bc)			
167c		<i><u>(bc) include penalty clauses applicable in the case of unilateral early termination of the contract;</u></i>		
	Article 1, first paragraph, point (9), amending provision, numbered paragraph (3), point (bd)			
167d		<i><u>(bd) not receive support for production in any period in which the market value of that production is negative;</u></i>		
	Article 1, first paragraph, point (9), amending provision, numbered paragraph (3), point (be)			
167e		<i><u>(be) minimise their possible negative impact on the liquidity of forward market and on competition between suppliers;</u></i>		
	Article 1, first paragraph, point (9), amending provision, numbered paragraph (3), point (bf)			
167f		<i><u>(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;</u></i>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (9), amending provision, numbered paragraph (3), point (bg)				
167g		<u><i>(bg) be designed to comply with Article 4(2) and (3), first and third subparagraphs, of Directive (EU) 2018/2001, and with State aid rules and competition law.</i></u>		
Article 1, first paragraph, point (9), amending provision, numbered paragraph (3a)				
167h		<u><i>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.</i></u>		
Article 1, first paragraph, point (9), amending provision, numbered paragraph (3b)				
167i		<u><i>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.</i></u>		
Article 1, first paragraph, point (9), amending provision, numbered paragraph (3a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
167j			4. In line with the third subparagraph of Article 4(3) of Directive (EU) 2018/2001, Member States may exempt small-scale renewables installations and demonstration projects from the obligation under paragraph 1.	
Article 1, first paragraph, point (9), amending provision, sixteenth paragraph				
168	Article 19c	Article 19c	Article 19c	
Article 1, first paragraph, point (9), amending provision, seventeenth paragraph				
169	Assessment of flexibility needs	Assessment of flexibility needs	Assessment of flexibility needs	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (1)				
170	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.	1. By 1 January 2025 <u>Within 12 months from the date of adoption of the proposal referred to in paragraph 6</u> and every two years thereafter, the regulatory authority of each Member State shall assess and draw up a report on the need <u>estimated needs</u> for flexibility <u>at national level, including flexibility needs in a future net-zero</u> in the electricity system for a	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	AT considers the council version to be preferable as it gives MS the role to designate the entity or authority to perform the national flexibility assessment.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>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.</p>	<p>period of at least 5<u>10</u> years, in view of the need to cost effectively achieve security of supply and decarbonise the power system, <u>contribute to the stability and reliability of that system and the efficient management and development of electricity networks,</u> taking into account the integration of <u>the renewable energy sources and</u> 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 <u>concerned, after conducting a public consultation, including with all relevant stakeholders</u> pursuant to paragraph<u>paragraphs</u> 2 and <u>3 of this Article and</u> using the methodology pursuant to paragraph 34<u>of this Article.</u> <u>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</u></p>	<p>electricity system<u>system flexibility</u> for a period of at least 5 years, in view of the need to cost effectively achieve security of supply and decarbonise the power <u>electricity</u> 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 23 and using the methodology pursuant to paragraph 34 and, when duly justified, additional data and analysis. Where the Member State has designated a transmission system operator for this purpose, the regulatory authority shall approve or amend the report.</p>	<p>AT welcomes the EPs addition regarding the cross border dimension in the flexibility assessment.</p> <p>AT comment :</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>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.</u>		The flexibility assessment should fundamentally be integrated into existing planning processes. Flexibilities can only be effectively utilized within the system if they are considered early in the planning phase. Therefore, the logical consequence is that the flexibility needs assessment should be embedded within the existing planning processes (ERAA, TYNDP, etc.), and no parallel stream should be introduced.
Article 1, first paragraph, point (9), amending provision, numbered paragraph (1a)				
170a		<u>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</u>		The assessment of flexibility requirements at Union level is recommended.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>the balancing markets. Within a year, Member States shall receive recommendations from ACER to, where applicable, adapt the national report.</i></u>		
Article 1, first paragraph, point (9), amending provision, numbered paragraph (2)				
171	<p>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.</p>	<p>2. The report<u>reports referred to in paragraphs 1 and 1a</u> shall include an evaluation<u>assessment</u> of the need<u>different types of needs</u> 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 <u>energy</u> storage, to fulfil this<u>that</u> need, both at transmission and distribution levels. The report<u>reports</u> shall distinguish between <u>flexibility needs within all relevant timeframes and, at least, interannual</u>, seasonal, daily and hourly flexibility needs, <u>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</u></p>	<p>2. The report shall include an evaluation of<u>at least</u>:</p> <p>(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;</p> <p>(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;</p> <p>(c) evaluate the barriers for flexibility in the market and propose relevant mitigation measures; and</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i><u>shall include, inter alia, a high fossil fuel 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.</u></i>	(d) take into account flexibility needs that is expected to be available in other Member States.	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (2a)				
171a		<i><u>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.</u></i>		
Article 1, first paragraph, point (9), amending provision, numbered paragraph (3)				
172	3. The transmission and distribution system operators of 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.	3. The <u>electricity</u> transmission and distribution system operators of each Member State, <u>and, upon request, the gas and hydrogen transmission and distribution system operators,</u> shall provide the data and analyses needed for the	3. The transmission and distribution system operators of 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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		preparation of the report <u>reports</u> referred to in paragraph 1 <u>paragraphs 1 and 1a</u> to the regulatory authority.	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.	
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 accordance with paragraph 2. In particular, they shall:	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 accordance with paragraph 2 <u>3</u> . In particular, they shall:	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 accordance with paragraph 2. 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 <u>requirements and the format of the data in accordance with paragraph 6 of this Article</u> that transmission and distribution system operators shall provide to	(a) define the type of data <u>data</u> and format of data that transmission and distribution system operators shall provide to the regulatory authorities;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		the regulatory authorities; <u>such system data requirements shall include a timetable for the digitalisation of the power network;</u>		
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 <u>to achieve optimisation of the grid and security of supply and</u> , taking into account at least all existing sources of flexibility <u>in a cost-efficient manner</u> and planned investments at interconnection, transmission and distribution level, <u>the needs and level of flexibility of the rest of the directly interconnected Member States</u> as well as the <u>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</u> need to decarbonise the electricity system. <u>in compliance with the Paris Agreement and the objective of climate neutrality by 2050 at the latest;</u>	(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.	AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 1, first paragraph, point (9), amending provision, numbered paragraph (4), point (ba)			
175a		<i><u>(ba) provide guiding criteria on how to assess the capability of the most suitable flexibility sources to cover the needs;</u></i>		AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).
	Article 1, first paragraph, point (9), amending provision, numbered paragraph (4), point (bb)			
175b		<i><u>(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 10 years;</u></i>		AT is flexible towards this addition.
	Article 1, first paragraph, point (9), amending provision, numbered paragraph (4), point (bc)			
175c		<i><u>(bc) propose the deadlines for the provision of data and analyses needed for the reports referred to in paragraphs 1 and 1a.</u></i>		
	Article 1, first paragraph, point (9), amending provision, numbered paragraph (5)			
176				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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 <u>as regards the provision of data and analyses pursuant to paragraph 4.</u>	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.	
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 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.	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 <u>for the analysis of the flexibility needs</u> 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 <u>Electricity Coordination Group, the</u> ENTSO for Electricity and the EU DSO entity before adopting the amendments. The adopted proposal shall be published on ACER's website <u>and shall constitute the single common format used by all transmission</u>	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 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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>and distribution system operators to comply with the obligations under paragraph 3.</u>		
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 <u>and the European Scientific Advisory Board on Climate Change (ESABCC)</u> shall issue a report analysing them, <u>taking into account the conclusions of the report referred to in paragraph 1a,</u> and providing recommendations on <u>the removal of barriers to entry of non-fossil flexible resources and on</u> issues of cross-border relevance regarding the findings of the regulatory authorities. <u>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.</u>	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 removing barriers to the entry of non-fossil flexibility resources.	AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).
Article 1, first paragraph, point (9), amending provision, numbered paragraph (7a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
178a		<u>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.</u>		AT is flexible towards the EPs addition regarding the methodology for the flexibility assessment.
Article 1, first paragraph, point (9), amending provision, numbered paragraph (7b)				
178b		<u>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 the methodology set for the Ten Year Network Development Plan and of the methodology set for the distribution system operators' Network Development Plans.</u>		AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).
Article 1, first paragraph, point (9), amending provision, numbered paragraph (7c)				
178c		<u>7c. The ENTSO for Electricity shall update the Union-wide network development plan to include the results of any flexibility needs assessments, as</u>		AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>well as any recommendations from the ESABCC.</u>		
Article 1, first paragraph, point (9), amending provision, twenty-fifth paragraph				
179	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 <u>objectives</u> for demand side -response and <u>energy</u> storage	Indicative national objective for demand side response and storage <u>non-fossil flexibility</u>	
Article 1, first paragraph, point (9), amending provision, twenty-seventh paragraph				
181	Based on the report of the regulatory authority pursuant to 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	<u>1. Based</u> On the <u>basis of the</u> report of the regulatory authority pursuant to <u>referred to in</u> Article 19c(1), each Member State shall define an indicative <u>indicative</u> <u>separate quantifiable</u> national objective <u>objectives</u> for demand side <u>response and energy storage</u> <u>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</u>	Based on the report <u>No later than 6 months after the submission of the regulatory authority report</u> 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	AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	reports in accordance with Article 17 of Regulation (EU) 2018/1999.	<p><u>and concrete measures to reduce barriers for the participation of flexibility such as demand response and energy storage in the market. Those</u> This indicative national objective <u>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</u> 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, <u>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</u></p>	<p>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.</p> <p>Member States may define provisional indicative objectives before the first submission of the report pursuant to Article 19c(1) of this Regulation.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>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).</u>		
Article 1, first paragraph, point (9), amending provision, twenty-seventh paragraph a				
181a		<u>1a. By June 2025, the Commission, after assessing the national objectives for demand response and energy storage referred to in paragraph 1 and 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</u>		AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>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.</u>		
Article 1, first paragraph, point (9), amending provision, fifty-fourth paragraph				
181b		<u>1b. Transmission and distribution system operators shall include in their network development plans the national objectives for demand side response and energy storage referred to in paragraph 1.</u>		AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).
Article 1, first paragraph, point (9), amending provision, twenty-eighth paragraph				
182	Article 19e	Article 19e	Article 19e	
Article 1, first paragraph, point (9), amending provision, twenty-ninth paragraph				
183				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Flexibility support schemes	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 <u>flexible resources</u> such as demand side response and <u>energy</u> storage by introducing additional criteria or features in the design of the capacity mechanism <u>ensuring that the product design, including all participation requirements, are market-based and do not impose any undue barriers on demand response and energy storage.</u>	1. Member States which apply a capacity mechanism in accordance with Article 21 shall consider the promotion of the participation of non-fossil flexibility such as demand side response and storage by introducing additional criteria or features in the design of the capacity mechanism Where investments in non-fossil flexibility are insufficient to achieve the indicative national objective or, where relevant, provisional indicative objectives, identified in accordance with Article 19d, Member States may apply non-fossil flexibility support schemes consisting of payments for the available capacity of non-fossil flexibility without prejudice to Articles 12 and 13.	AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).
Article 1, first paragraph, point (9), amending provision, numbered paragraph (2)				
185	2. Where the measures introduced in accordance with paragraph 1 to	2. Where the measures introduced in accordance with paragraph 1 to	2. Where the measures introduced in accordance with paragraph 1 to	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>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 with 19d, 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.</p>	<p>promote the participation of non-fossil flexibility <u>flexible resources</u> such as demand response and <u>energy</u> storage in capacity mechanisms are insufficient to achieve the flexibility needs identified in accordance with 19d <u>with Article 19d</u>, Member States may apply flexibility support schemes consisting of payments for the available capacity of non-fossil flexibility <u>flexible resources</u> such as demand side response and <u>energy</u> storage <u>including charging services for electric vehicles or hydro with reservoir and/or pumping</u>.</p>	<p>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 with 19d, 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 Article 19d by other means.</p>	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (3)				
186	<p>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.</p>	<p>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 <u>energy</u> storage <u>including charging services for electric vehicles or hydro with reservoir and/or pumping</u>.</p>	<p><i>deleted</i></p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (9), amending provision, thirty-third paragraph				
187	Article 19f	Article 19f	Article 19f	
Article 1, first paragraph, point (9), amending provision, thirty-fourth paragraph				
188	Design principles for flexibility support schemes	Design principles for flexibility support schemes	Design principles for non-fossil flexibility support schemes	
Article 1, first paragraph, point (9), amending provision, thirty-fifth paragraph				
189	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 <u>flexible resources</u> such as demand response and <u>energy</u> storage applied by Member States in accordance with Article 19e(2) <u>and (3) 19e</u> shall:	Flexibility support scheme for Non-fossil flexibility such as demand response and storage support schemes applied by Member States in accordance with Article 19e(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;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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 <u>flexible resources</u> such as demand side response and <u>energy</u> storage;	(b) be limited to new investments in non-fossil flexibility resources such as demand side response and energy storage;	
Article 1, first paragraph, point (9), amending provision, thirty-fifth paragraph, point (ba)				
191a		<u>(ba) take into consideration locational criteria to ensure that investments in new capacity take place in optimal locations;</u>		AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).
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;	
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, <u>voluntary</u> , non-discriminatory and cost-effective process;	(d) select capacity providers by means of an open, transparent, competitive, non-discriminatory and cost-effective process;	
Article 1, first paragraph, point (9), amending provision, thirty-fifth paragraph, point (e)				
194				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(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;	
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;	
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 ;	
Article 1, first paragraph, point (9), amending provision, thirty-fifth paragraph, point (h)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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 incentives and prices signals;	(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 incentives and prices signals;	(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 incentives and prices price signals referred to in point (c);	
Article 1, first paragraph, point (9), amending provision, thirty-fifth paragraph, point (i)				
198	(i) be open to cross-border participation.’;	(i) <u>where technically feasible</u> , be open to cross-border participation.’;	<i>deleted</i>	AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).
Article 1, first paragraph, point (9a)				
198a		<u>(9a) in Article 21, paragraph 1 is replaced by the following:</u>	(9a) Article 21 is amended as follows: [a] paragraph 1 is replaced by the following:	
Article 1, first paragraph, point (9a), amending provision, first paragraph				
198b		" <u>1. To eliminate residual resource adequacy concerns,</u>	" 1. Member States may, while implementing the measures	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>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.;</u>	referred to in Article 20(3) of this Regulation in accordance with Article 107, 108 and 109 of the TFEU, introduce capacity mechanisms.	
	Article 1, first paragraph, point (9a), amending provision, second paragraph			
198c			[b] parahraph 7 is deleted.	
	Article 1, first paragraph, point (9a), amending provision, third paragraph			
198d			<p>[c] paragraph 8 is replaced by the following:</p> <p>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 mechanism.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (9b)				
198e			(9b) In Article 22(1) point (a) is deleted.	
Article 1, first paragraph, point (10)				
199	(10) in Article 37 (1), point (a) is replaced by the following:	(10) in Article 37(1) <u>37(1)</u> , point (a) is replaced by the following:	(10) in Article 37 (1), point (a) is replaced by the following:	
Article 1, first paragraph, point (10), amending provision, first paragraph				
200	“ (a) , carrying out the coordinated capacity calculation in accordance with the methodologies developed pursuant to the forward capacity allocation guideline, the capacity allocation and congestion management guideline and the electricity balancing guideline adopted on the basis of Article 18(5) of Regulation (EC) No 714/2009;; ”	“ (a) ; carrying out the coordinated capacity calculation in accordance with the methodologies developed pursuant to the forward capacity allocation guideline, the capacity allocation and congestion management guideline and the electricity balancing guideline adopted on the basis of Article 18(5) of Regulation (EC) No 714/2009; ; ”	“ (a) , carrying out the coordinated capacity calculation in accordance with the methodologies developed pursuant to the forward capacity allocation guideline, the capacity allocation and congestion management guideline and the electricity balancing guideline adopted on the basis of Article 18(5) of Regulation (EC) No 714/2009;; ”	
Article 1, first paragraph, point (11)				
201	(11) Article 50 is amended as follows:	(11) Article 50 is amended as follows:	(11) Article 50 is amended as follows:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (11)(a)				
202	(a) the following paragraph 4a is added:	(a) the following paragraph 4a is added:	(a) the following paragraph 4a is added:	
Article 1, first paragraph, point (11)(a), amending provision, first paragraph, first subparagraph				
203	<p>“</p> <p>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.</p>	<p>“</p> <p>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 <u>with high resolution and grid granularity, while respecting security of classified information and data confidentiality</u>, including <u>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 grid, and the demand and generation for the following five years and</u> in congested areas if flexible energy storage connections can be accommodated, and <u>Transmission system operators shall</u> update that information</p>	<p>“</p> <p>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.</p>	<p>AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		regularly <u>on a regular basis, and in any event</u> , at least quarterly <u>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.</u>		
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, <u>including renewable generation and storage temporarily connected with a flexible connection agreement.</u> 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 ; "	
Article 1, first paragraph, point (12)				
205				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(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:	
Article 1, first paragraph, point (12), amending provision, numbered paragraph (3)				
206	<p>“</p> <p>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.</p> <p>“</p>	<p>“</p> <p>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. <u><i>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 facilitate its development. In addition, they shall cooperate with each other in publishing information on the installed electricity capacity of self-consumption.</i></u>”</p> <p>“</p>	<p>“</p> <p>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.”</p> <p>“</p>	AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).
Article 1, first paragraph, point (13)				
207				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(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:	
Article 1, first paragraph, point (13), amending provision, first paragraph				
208	<p>“</p> <p>(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 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;;</p> <p>”</p>	<p>“</p> <p>(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 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;;</p> <p>”</p>	<p>“</p> <p>(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 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</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			congestion management cost recovery;”	”
Article 1, first paragraph, point (13a)				
208a		<u>(13a) in Article 59(2), point (a) is replaced by the following:</u>		
Article 1, first paragraph, point (13a), amending provision, first paragraph				
208b		<p>”</p> <p><u>(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;’;</u></p> <p>”</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (13b)				
208c		<u>(13b) Article 69 is amended as follows:</u>		
Article 1, first paragraph, point (13b)(a)				
208d		<u>(a) paragraph 2 is replaced by the following:</u>		
Article 1, first paragraph, point (13b)(a), amending provision, first paragraph				
208e		<p>"</p> <p><u>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:</u></p>		
Article 1, first paragraph, point (13b)(a), amending provision, first paragraph, point (a)				
208f				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>(a) the effectiveness of the current structure and functioning of the short-term market;</u>		
Article 1, first paragraph, point (13b)(a), amending provision, first paragraph, point (b)				
208g		<u>(b) the development of electricity generation capacity and quality of service delivered to final costumers in each Member State;</u>		
Article 1, first paragraph, point (13b)(a), amending provision, first paragraph, point (c)				
208h		<u>(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;</u>		
Article 1, first paragraph, point (13b)(a), amending provision, second paragraph				
208i		<u>The report shall also assess any inefficiencies in the internal electricity market. Where appropriate, the Commission shall submit legislative proposals on European trading platforms for primary and secondary long-term markets, including measures to create liquidity and</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>transparency, such as requirements for producers and costumers to contract minimum amount of products in public, centralised auctions to provide liquidity. ’;</u> "		
Article 1, first paragraph, point (13b)(b)				
208j		<u>(b) the following paragraphs are added:</u>		
Article 1, first paragraph, point (13b)(b), amending provision, first paragraph				
208k		" <u>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 legislative proposal.</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 1, first paragraph, point (13b)(b), amending provision, second paragraph			
2081		<p><u>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.</u></p> <p><u>By ... [three months after the date 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></p>		<p>While AT can support the streamlining of the methodology to implement capacity mechanisms, this should not go to the detriment of the assessment.</p> <p>The timeline proposed by the EP appears to be overly ambitious and go to the detriment of the quality of the process.</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (13b)(b), amending provision, third paragraph				
208m		<p><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 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.';</u></p> <p>"</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (13a), first subparagraph				
208n			(13a) In Article 64, the following paragraph is added:	
Article 1, first paragraph, point (13a), second subparagraph				
208o			<p>(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.</p> <p>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-</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>optimised allocation process is fully implemented and operational pursuant to paragraph 3 of Article 38 of Commission Regulation (EU) 2017/2195.</p>	
Article 1, first paragraph, point (13b), first subparagraph				
208p			<p>(13ab) In Article 64, the following paragraph is inserted.</p>	
Article 1, first paragraph, point (13b), second subparagraph				
208q			<p>(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 approved by the Commission before the entry into force of this regulation. The Commission shall assess the impact of the request in terms of</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			greenhouse gas emissions and may, subject to compliance with Articles 107 and 108 TFUE, grant the authorization, provided that the following conditions are fulfilled:	
Article 1, first paragraph, point (13b), second subparagraph, point (a)				
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;	
Article 1, first paragraph, point (13b), second subparagraph, point (b)				
208s			(b) the amount of capacity offered in the competitive bidding process referred to in letter a) is not sufficient to address the adequacy concern as identified pursuant to Article 20	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			(1) for the contracting period covered by that bidding process;	
Article 1, first paragraph, point (13b), second subparagraph, point (c)				
208t			<p>(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).</p> <p>The derogation pursuant to this paragraph may be applied until 31 December 2028.</p>	
Article 1, first paragraph, point (13c), first subparagraph				
208u			(13b) In Article 69 the following paragraph 1a is added:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (13c), second subparagraph				
208v			<p>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.</p> <p>No later than three months after entry into force of this Regulation, the Commission shall, after consultation with Member States, come forward with proposals with a view to simplifying the process of</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			assessing capacity mechanisms as appropriate.	
Article 1, first paragraph, point (14)				
209	(14) The following Article 69a is added:	(14) The following Article 69a is added:	(14) The following Article 69a is added:	
Article 1, first paragraph, point (14), amending provision, first paragraph				
210	“ Article 69a	“ Article 69a	“ Article 69a	
Article 1, first paragraph, point (14), amending provision, second paragraph				
211	Interaction with Union financial legislation	Interaction with Union financial legislation	Interaction with Union financial legislation	
Article 1, first paragraph, point (14), amending provision, third paragraph				
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 activities related to financial instruments in particular as defined under Article	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 particular as defined under Article	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 particular as defined under Article	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	4(1)(15) of Directive (EU) 2014/65. “	4(1)(15) of Directive (EU) 2014/65. “	4(1)point (15) of Article 4(1) of Directive (EU) 2014/65. “	
Article 1, first paragraph, point (15)				
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:	
Article 1, first paragraph, point (15), amending provision, numbered paragraph (1.2)				
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. ”	
Article 2				
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,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>Article 2 would become Article 1 in a separate Directive amending Directives (EU) 2018/2001 and (EU) 2019/944.</p> <p>This concerns lines 215 - 320</p> <p>Directive</p>	
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:	<p>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:</p> <p>Directive</p>	
Article 2, first paragraph, point (1)				
217	(1) Article 2 is amended as follows:	(1) Article 2 is amended as follows:	<p>(1) Article 2 is amended as follows:</p> <p>Directive</p>	
Article 2, first paragraph, point (1)(a)				
218				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(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	
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 schemes, provided that those activities do not constitute its primary commercial or professional activity.”;	“(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.”;	“(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.”; Directive	
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	(49) 'non-frequency ancillary service' means a service used by a transmission system operator or	(49) 'non-frequency ancillary service' means a service used by a transmission system operator or	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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;” “	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;” “	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	
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	
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	“ (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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		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>	example peak and off peak price variations; Directive	
Article 2, first paragraph, point (1)(b), amending provision, second paragraph				
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	
Article 2, first paragraph, point (1)(b), amending provision, second paragraph, point (a)				
224	(a) generated or stored offsite or on sites between them by a facility they own, lease, rent in whole or in part; or	(a) generated or stored offsite or on sites between them by a facility they own, lease, rent in whole or in part; or	(a) generated or stored offsite or on sites between them by a facility they own, lease, rent in whole or in part; or Directive	
Article 2, first paragraph, point (1)(b), amending provision, second paragraph, point (b)				
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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Directive	
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	
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; ” Directive	
Article 2, first paragraph, point (1)(b), amending provision, fourth paragraph a				
227a		<u>(24aa) ‘energy poverty’ means energy poverty as defined in Article 2, point (52) of Directive (EU) [EED Directive];</u> ”	Directive	AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 2, first paragraph, point (1)(ba)				
227b		<u>(ba) point (49) is replaced by the following:</u>	Directive	
Article 2, first paragraph, point (1)(ba), amending provision, first paragraph				
227c		" <u>(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;</u> "	Directive	AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).
Article 2, first paragraph, point (1)(bb)				
227d		<u>(bb) point (31) is replaced by the following:</u>	Directive	
Article 2, first paragraph, point (1)(bb), amending provision, first paragraph				
227e		" <u>(31) 'energy from renewable sources' or 'renewable energy' means energy from renewable</u>	Directive	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>sources or renewable energy as defined in Article 2, point (1), of Directive (EU) 2018/2001;</u> "		
Article 2, first paragraph, point (2)				
228	(2) Article 4 is replaced by the following:	(2) Article 4 is replaced by the following:	(2) Article 4 is replaced by the following: Directive	
Article 2, first paragraph, point (2), amending provision, first paragraph				
229	“ Article 4	“ Article 4	“ Article 4 Directive	
Article 2, first paragraph, point (2), amending provision, second paragraph				
230	Free choice of supplier	Free choice of supplier	Free choice of supplier Directive	
Article 2, first paragraph, point (2), amending provision, third paragraph				
231	Member States shall ensure that all customers are free to purchase electricity from the supplier of	Member States shall ensure that all customers are free to purchase electricity from the	Member States shall ensure that all customers are free to purchase electricity from the supplier of	EP text unclear

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>their choice. Member States shall ensure that all customers are free to have more than one electricity supply contract at the same time, and that for this purpose customers are entitled to have more than one metering and billing point covered by the single connection point for their premises.</p> <p>”</p>	<p>supplier<u>suppliers</u> of their choice. Member States shall ensure that all customers are free to have more than one electricity supply contract <u>or an energy sharing agreement</u> at the same time, and that for this<u>that</u> purpose customers are entitled to have more than one metering and billing point covered by the single connection point for their premises <u>unless the existing smart-metering allows those rights</u>.</p>	<p>their choice. Member States shall ensure that all customers are free to have more than one electricity supply contract at the same time, and that for this purpose customers are entitled to have more than one metering and billing point covered by the single connection point for their premises.”</p> <p>Directive</p>	
Article 2, first paragraph, point (2), amending provision, third paragraph a				
231a		<p><u>Member States shall ensure that metering arrangements guarantee that all suppliers operating at a single connection point are treated in a non-discriminatory manner. Metering arrangements shall be approved by grid operator and shall allow the physical connection point to be split into several energy connection points equally reliable, independent from each other, and with same features and functionalities as single connection points, including balancing responsibility.</u>’;</p> <p>”</p>	<p>Directive</p>	<p>AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 2, first paragraph, point (3)				
232	(3) Article 11 is amended as follows:	(3) Article 11 is amended as follows:	(3) Article 11 is amended as follows: Directive	
Article 2, first paragraph, point (3)(a)				
233	(a) the title is replaced by the following:	(a) the title is replaced by the following:	(a) the title is replaced by the following: Directive	
Article 2, first paragraph, point (3)(a), amending provision, first paragraph				
234	‘ Entitlement to a fixed term, fixed price and dynamic electricity price contract; ’	‘ Entitlement to a fixed term, fixed price <u>electricity supply contract</u> and dynamic electricity price contract; ’	‘ Entitlement to a fixed term, fixed price and dynamic electricity price contract; ’ Directive	
Article 2, first paragraph, point (3)(b)				
235	(b) paragraph 1 is replaced by the following:	(b) paragraph 1 is replaced by the following:	(b) paragraph 1 is replaced by the following:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Directive	
Article 2, first paragraph, point (3)(b), amending provision, numbered paragraph (1)				
236	<p>1. Member States shall ensure that the national regulatory framework enables suppliers to offer fixed-term, fixed-price contracts and dynamic electricity price contracts. Member States shall ensure that final customers who have a smart meter installed can request to conclude a dynamic electricity price contract and that all final customers can request to conclude a fixed-term, fixed-price electricity price contract of a duration of at least one year, with at least one supplier and with every supplier that has more than 200 000 final customers.</p>	<p>1. –Member States shall ensure that the national regulatory framework enables suppliers to offer fixed-term, fixed-price <u>electricity supply</u> contracts and dynamic electricity price contracts. <u>By ... [the date of entry into force of this amending Regulation],</u> Member States shall ensure that final customers who have a smart meter installed can request to conclude a dynamic electricity price contract and that all final customers can request to conclude a fixed-term, fixed-price electricity price<u>supply</u> contract of a duration of at least one year, with at least one supplier and with every supplier that has more than 200 000 final customers.;</p>	<p>1. –Member States shall ensure that the national regulatory framework enables suppliers to offer fixed-term, fixed-price contracts and dynamic electricity price contracts. Member States shall ensure that final customers who have a smart meter installed can request to conclude a dynamic electricity price contract and that all final customers can request to conclude a fixed-term, fixed-price electricity price contract of a duration of at least one year, with at least one supplier and with every supplier that has more than 200 000 final customers.</p> <p>By way of derogation from the first subparagraph, Member States may exempt a supplier with more than 200 000 final customers from the obligation to offer fixed term fixed price contracts if that supplier only offers dynamic price contracts and the exemption does not have a negative impact on</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			competition or sufficient choice of fixed term fixed price contract for customers. Directive	
Article 2, first paragraph, point (3)(c)				
237	(c) the following paragraph 1a is inserted:	(c) the following paragraph <u>paragraphs are</u> is inserted:	(c) the following paragraph 1a is inserted: Directive	
Article 2, first paragraph, point (3)(c), amending provision, first paragraph				
238	1a. Prior to the conclusion or extension of any contract, final customers shall be provided with a summary of the key contractual conditions in a prominent manner and in concise and simple language. This summary shall include at least information on total price, promotions, additional services, discounts and include the rights referred to in points (a), (b), (d), (e) and (f) of Article 10(3). The Commission shall provide guidance in this regard.	1a. Prior to the conclusion or extension of any contract, final customers <u>By way of derogation from Article 10(4), Member States</u> shall be provided with a summary of the key contractual conditions in a prominent manner and in concise and simple language. This summary shall include at least information on total price, promotions, additional services, discounts and include the rights referred to in points (a), (b), (d), (e) and (f) of Article 10(3). <u>The Commission shall provide</u>	1a. Prior to the conclusion or extension of any contract, final customers shall be provided with a summary of the key contractual conditions in a prominent manner and in concise and simple language. This summary shall include at least information on total price and its breakdown , promotions, additional services, and discounts and includes shall set out the rights referred to in points (a), (b), (d), (e) and (f) of Article 10(3). The Commission shall provide guidance in this regard.	AT supports the council position: A summary of the essential contract terms should not be limited to contracts with dynamic prices or those with fixed prices and fixed conditions. As stated in Recital 47, the continuously increasing complexity of energy supply contracts leads to uncertainty on the consumer's side. They often do not know what they are actually signing. This became particularly evident during the crisis. Therefore, the EP's position should not be followed.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i><u>guidance in this regard ensure that suppliers do not modify unilaterally the terms and conditions of fixed-term, fixed-price electricity supply contracts or terminate them before their end.</u></i>	Directive	
Article 2, first paragraph, point (3)(c), amending provision, first paragraph a				
238a		<i><u>1b Member States shall ensure that final customers with fixed-term, fixed-price electricity supply contracts are not excluded from participating in demand response and energy sharing and from actively contributing to the achievement of the national electricity system flexibility needs.</u></i>	Directive	The broad application, as envisaged in the General Agreement, is important. However, the more detailed listing of the contents of the contract summary, as proposed by the EP in lines 238c to 238j, appears fundamentally welcome.
Article 2, first paragraph, point (3)(c), amending provision, third paragraph				
238b		<i><u>1c Prior to the conclusion or extension of any contract referred to in paragraph 1, suppliers provide to final customers a summary of the key contractual conditions in a prominent manner and in concise and simple language. That summary shall include at least the following information on:</u></i>	Directive	AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 2, first paragraph, point (3)(c), amending provision, third paragraph, point (a)			
238c		<u>(a) total price, its breakdown and, in case of the fixed term, fixed price electricity supply contract - the average price per month over its duration;</u>	Directive	AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).
	Article 2, first paragraph, point (3)(c), amending provision, third paragraph, point (b)			
238d		<u>(b) promotions;</u>	Directive	AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).
	Article 2, first paragraph, point (3)(c), amending provision, third paragraph, point (c)			
238e		<u>(c) additional services;</u>	Directive	AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).
	Article 2, first paragraph, point (3)(c), amending provision, third paragraph, point (d)			
238f		<u>(d) discounts;</u>	Directive	AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).
	Article 2, first paragraph, point (3)(c), amending provision, third paragraph, point (e)			
238g		<u>(e) contract duration and conditions for termination,</u>	Directive	AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>including notice period and fees and where relevant, penalties;</u>		
Article 2, first paragraph, point (3)(c), amending provision, third paragraph, point (f)				
238h		<u>(f) whether the price is fixed or variable, indexed to wholesale prices; one-time payments where relevant;</u>	Directive	AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).
Article 2, first paragraph, point (3)(c), amending provision, third paragraph, point (g)				
238i		<u>(g) contact details (including customer service's address, telephone number and email), and</u>	Directive	AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).
Article 2, first paragraph, point (3)(c), amending provision, third paragraph, point (h)				
238j		<u>(h) the rights referred to in points (a), (b), (d), (e), (f) and (h) of Article 10(3).</u>	Directive	AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).
Article 2, first paragraph, point (3)(c), amending provision, third paragraph, point (i)				
238k		<u>The Commission shall provide guidance in this regard.';</u>	Directive	AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).
Article 2, first paragraph, point (3)(d)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
239	(d) paragraph 2 is replaced by the following:	(d) paragraph 2 is replaced by the following:	(d) paragraph 2 is replaced by the following: Directive	
Article 2, first paragraph, point (3)(d), amending provision, numbered paragraph (2)				
240	<p>2. Member States shall ensure that final customers are fully informed by the suppliers of the opportunities, costs and risks of dynamic electricity price contracts, and shall ensure that suppliers are required to provide information to the final customers accordingly, including with regard to the need to have an adequate electricity meter installed. Regulatory authorities shall monitor the market developments and assess the risks that the new products and services may entail and deal with abusive practices.</p>	<p>2. Member States shall ensure that final customers are fully informed by the suppliers of the opportunities, costs and risks of dynamic electricity price contracts, and shall ensure that suppliers are required to provide information to the final customers accordingly, including with regard to the need to have an adequate electricity meter installed. <u>Member States and regulatory authorities shall monitor the market developments and assess the risks that the new products and services may entail and deal with abusive practices. Regulatory authorities shall evaluate whether any termination fees of the electricity contracts applied are appropriate and shall take measures against any abusive practices.</u></p>	<p>2. Member States shall ensure that final customers are fully informed by the suppliers of the opportunities, costs and risks of dynamic electricity price the respective types of electricity contracts, and shall ensure that suppliers are required to provide information to the final customers accordingly, including with regard to the need to have an adequate electricity meter installed. Regulatory authorities shall monitor the market developments and assess the risks that the new products and services may entail and deal with abusive practices.-"</p> <p>Directive</p>	AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 2, first paragraph, point (4)				
241	(4) The following Articles are inserted:	(4) The following Articles are inserted:	(4) The following Articles are inserted: Directive	
Article 2, first paragraph, point (4), amending provision, first paragraph				
242	“ Article 15a”	“ Article 15a”	“ Article 15a” Directive	
Article 2, first paragraph, point (4), amending provision, second paragraph				
243	Right to energy sharing	Right to energy sharing	Right to energy sharing Directive	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1)				
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, <u>within the same bidding zone or a more limited geographical area as determined by Member States.</u>	1. All households, small and medium sized enterprises and public bodies shall have the right to participate in energy sharing as active customers. Directive	AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>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.</i></u>		
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1), 2.				
245	(a) Active customers shall be entitled to share renewable energy between themselves based on private agreements or through a legal entity.	(a) <u><i>1a.</i></u> 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	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1), point (2a)				
245a		<u><i>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</i></u>	Directive	AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>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 assets part of an energy sharing arrangement.</u>		
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1), 3.				
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 <u>parties that own or manage storage facilities or renewable energy generation facilities of up to 6 MW capacity each</u> for installation, operation, including metering and maintenance a storage or renewable energy generation facility, for the purpose of facilitating energy sharing, without that. <u>The</u> third party being <u>shall not be</u> considered <u>to be</u> an active customer. <u>Third parties shall be transparent about prices, tariffs, and terms of services, and they shall ensure the provision of non-discriminatory services.</u>	(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	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1), 4.				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
247	(c) Member States shall ensure that active customers participating in energy sharing:	(c) <u>Id.</u> Member States shall ensure that active customers participating in energy sharing:	(c) <u>4.</u> Member States shall ensure that active customers participating in energy sharing: Directive	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1)(a)				
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 period and without prejudice to applicable taxes, levies and network charges;	(d) <u>(a)</u> are entitled to have the shared electricity netted with <u>injected into the grid deducted from</u> their total metered consumption within a time interval no longer than the imbalance settlement period and without prejudice to applicable non- <u>discriminatory</u> taxes, levies and <u>cost-reflective</u> network charges;	(d) <u>(a)</u> 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 without prejudice to applicable taxes, levies and network charges; Directive	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1)(b)				
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) <u>(b)</u> 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) <u>(b)</u> 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	AT prefers the higher limit for multi apartment blocks of 100 kW

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			multi-apartment blocks using peer-to-peer trading agreements[as specified in the recast Energy Performance of Buildings Directive 2021/802]; Directive	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1), point (ba)				
249a		<i>(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-apartment blocks using peer-to-peer trading agreements for energy sharing purposes;</i>	Directive	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1), point (bb)				
249b		<i>(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</i>	Directive	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>Article 10 that are granted to final electricity customers;</u>		
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1)(c)				
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;	Ⓐ(e) have access to <u>voluntary</u> template contracts with fair and transparent terms and conditions for peer-to-peer trading <u>energy sharing</u> agreements; <u>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;</u>	Ⓐ(c) have access to template contracts with fair and transparent terms and conditions for peer-to-peer trading <u>energy sharing</u> 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	AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1)(d)				
251				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(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 <u>and charges</u> 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	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1)(e)				
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. <u>in accordance with paragraph 1;</u>	(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	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1), point (ea)				
252a		<u>(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.</u>	Directive	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1), 5.				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
253	(i) Member States shall ensure that relevant transmission or distribution system operators or other designated bodies:	(i) <u>1e.</u> Member States shall ensure that relevant transmission or distribution system operators or other designated bodies:	(i) <u>5.</u> Member States shall ensure that relevant transmission or distribution system operators or other designated bodies: Directive	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1)(a)				
254	(j) monitor, collect, validate and communicate metering data related to the shared electricity with relevant final customers and market participants at least every month, and in accordance with Article 23;	(j) <u>(a)</u> monitor, collect, validate and communicate metering data related to the shared electricity with relevant final customers and market participants at least every month, and in accordance with Article 23 <u>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];</u>	(j) <u>(a)</u> monitor, collect, validate and communicate metering data related to the shared electricity with relevant final customers and market participants at least every month, and in accordance with Article 23; Directive	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1)(b)				
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	(k) <u>(b)</u> provide a relevant contact point to <u>establish one-stop shops to facilitate and</u> register energy sharing arrangements, <u>to distribute practical information to the public on requirements, available</u>	(k) <u>(b)</u> provide a relevant contact point to register energy sharing arrangements, receive information on relevant metering points, changes in location and participation, and, where	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	applicable, validate calculation methods in a clear, transparent and timely manner.	<u>grid connection capacity, timelines for response and other relevant deadlines, to inform about available financial support and expertise, available template contracts, to</u> receive information on relevant metering points, changes in location and participation, and, where applicable, <u>to</u> validate calculation methods in a clear, transparent and timely manner.	applicable, validate calculation methods in a clear, transparent and timely manner; Directive	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (2)				
256	2. 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.	2. 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.	26. 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. Directive	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (2a)				
256a		<u>2a. Member States shall ensure that the energy sharing projects owned by public authorities</u>	Directive	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>require that at least 20 % of the amount of shared electricity is made accessible to vulnerable customers.</u>		
Article 2, first paragraph, point (4), amending provision, numbered paragraph (2b)				
256b		<u>2b. 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. 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).</u>	Directive	AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).
Article 2, first paragraph, point (4), amending provision, numbered paragraph (2c)				
256c				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>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 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.</u></p>	<p>Directive</p>	<p>AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).</p>
Article 2, first paragraph, point (4), amending provision, numbered paragraph (2d)				
256d			<p>7. This Article shall be without prejudice to the right of customers to choose their supplier in accordance with Article 4 and to applicable</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			national rules for the authorisation of suppliers. Directive	
Article 2, first paragraph, point (4), amending provision, fifth paragraph				
257	Article 18a	Article 18a	Article 18a Directive	
Article 2, first paragraph, point (4), amending provision, sixth paragraph				
258	Supplier risk management	Supplier risk management	Supplier risk management Directive	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1)				
259	1. National Regulatory Authorities shall ensure that suppliers have in place and implement appropriate hedging strategies to limit the risk of changes in wholesale electricity supply to the economic viability of their contracts with customers, while maintaining liquidity on and price signals from short-term markets.	1. National By ... /six months after the date of entry into force of this amending Regulation], and regularly thereafter, regulatory authorities shall perform regular stress tests to verify the ability of suppliers to face major changes in the market dynamics and their technical and economic capacity to ensure resilience. In addition, in the light of the results of those stress tests,	1. National Regulatory authorities, or where a Member State has designated an alternative independent competent authority for that purpose, such designated competent authorities, shall ensure that suppliers have in place and implement appropriate hedging strategies to limit the risk of changes in wholesale electricity supply to the economic viability of	AT demonstrates flexibility regarding the text proposed by the European Parliament (EP). The EPs addition, that NRAs shall assess the impact of hedging requirement is welcomed.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>regulatory authorities shall, where appropriate,</u> ensure that suppliers have in place and implement appropriate hedging strategies, <u>taking into account the size of the supplier or its market structure,</u> to limit the risk of changes in wholesale electricity supply to the economic viability of their contracts with customers, while maintaining liquidity on and price signals from short-term markets. <u>Member States shall take effective, competitive, non-discriminatory measures to ensure liquidity in hedging markets, including specific measures to avoid the lack of level playing field. Regulatory authorities shall assess the impacts of the possibility of introducing specific hedging targets for specific shares of suppliers' portfolios, including as regards volatility of consumer prices.</u></p>	<p>their contracts with customers, while maintaining liquidity on and price signals from short-term markets.</p> <p>Directive</p>	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (2)				
260	<p>2. Supplier hedging strategies may include the use of power purchase agreements. Where sufficiently developed markets for</p>	<p>2. Supplier hedging strategies may include the use of power purchase agreements <u>or other appropriate instruments, such as</u></p>	<p>2. Supplier hedging strategies may include the use of power purchase agreements. Where sufficiently developed markets for</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	power purchase agreements exist which allow effective competition, Member States may require that a share of suppliers' risk exposure to changes in wholesale electricity prices is covered using power purchase agreements for electricity generated from renewable energy sources matching the duration of their risk exposure on the consumer side, subject to compliance with Union competition law.	<u>forward contracts</u> . Where sufficiently developed markets for power purchase agreements exist which allow effective competition, Member States may require that a share of suppliers' risk exposure to changes in wholesale electricity prices is covered using power purchase agreements for electricity generated from renewable energy sources matching the duration of their risk exposure on the consumer side, subject to compliance with Union competition law.	power purchase agreements exist which allow effective competition, Member States may require that a share of suppliers' risk exposure to changes in wholesale electricity prices is covered using power purchase agreements for electricity generated from renewable energy sources matching the duration of their risk exposure on the consumer side, subject to compliance with Union competition law. Directive	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (3)				
261	3. Member States shall endeavour to ensure the accessibility of hedging products for citizen energy communities and renewable energy communities. ”	3. Member States shall endeavour <u>put in place enabling conditions</u> to ensure the accessibility of hedging products for citizen energy communities and renewable energy communities.	3. Member States shall endeavour to ensure the accessibility of hedging products for citizen energy communities and renewable energy communities." ” Directive	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (3a)				
261a		<u>3a. Electricity suppliers shall take all reasonable steps to limit their risk of supply failure.’;</u>	Directive	AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		”		
Article 2, first paragraph, point (5)				
262	(5) The following Article XX is inserted:	(5) The following Article XX <u>is articles are</u> inserted:	(5) The following Article XX is Articles are inserted: Directive	
Article 2, first paragraph, point (5), amending provision, first paragraph				
263	“ Article 27a	“ Article 27a	“ Article 27a Directive	
Article 2, first paragraph, point (5), amending provision, second paragraph				
264	Supplier of last resort	Supplier of last resort	Supplier of last resort Directive	
Article 2, first paragraph, point (5), amending provision, numbered paragraph (1)				
265	1. Member States shall appoint suppliers of last resort at least for household customers. Suppliers of last resort shall be appointed in a fair, open, transparent and non-discriminatory procedure.	1. <u>Where</u> Member States <u>have not already appointed suppliers of last resort, they</u> shall appoint suppliers of last resort at least for household customers. Suppliers of last resort shall be appointed in a	1. Member States shall appoint suppliers implement a supplier of last resort regime to ensure continuity of supply at least for household customers. Suppliers of last resort shall be appointed in a	AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		fair, open, transparent and non-discriminatory procedure.	fair, open, transparent and non-discriminatory procedure. Directive	
Article 2, first paragraph, point (5), amending provision, numbered paragraph (2)				
266	2. Final customers who are transferred to suppliers of last resort shall not lose their rights as customers, in particular those rights laid down in Articles 4, 10, 11, 12, 14, 18 and 26.	2. Final customers who are transferred to suppliers of last resort shall not lose <u>continue to benefit from all</u> their rights as customers, in particular those rights as laid down in Articles 4, 10, 11, 12, 14, 18 and 26 <u>this Directive</u> .	2. Final customers who are transferred to suppliers of last resort shall not lose their rights as customers, in particular those rights laid down in Articles 4, 10, 11, 12, 14, 18 and 26. Directive	
Article 2, first paragraph, point (5), amending provision, numbered paragraph (3)				
267	3. Member States shall ensure that suppliers of last resort promptly communicate the terms and conditions to transferred customers and ensure seamless continuity of service for those customers for at least 6 months.	3. Member States shall ensure that suppliers of last resort promptly communicate the terms and conditions to transferred customers and ensure seamless continuity of service for those customers for at least 6 months <u>the period needed to find a new supplier</u> .	3. Member States shall ensure that suppliers of last resort promptly communicate the terms and conditions to transferred customers and ensure seamless continuity of service for those customers for at least 6 months. Directive	
Article 2, first paragraph, point (5), amending provision, numbered paragraph (4)				
268				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	4. Member States shall ensure that final customers are provided with information and encouragement to switch to a market-based offer.	4. Member States shall ensure that final customers are provided with information and encouragement to switch to a market-based offer.	4. Member States shall ensure that final customers are provided with information and encouragement to switch to a market-based offer. Directive	
Article 2, first paragraph, point (5), amending provision, numbered paragraph (5)				
269	5. Member States may require the supplier of last resort to supply electricity to household customers who do not receive market based offers. In such cases, the conditions set out in Article 5 shall apply."	5. Member States may require the supplier of last resort to supply electricity to household customers <u>and SMEs</u> who do not receive market based offers. In such cases, the conditions set out in Article 5 shall apply."	5. Member States may require the a supplier of last resort to supply electricity to household customers who do not receive market based offers. In such cases, the conditions set out in Article 5 shall apply." Directive	
Article 2, first paragraph, point (5), amending provision, eighth paragraph				
270	Article 28a	Article 28a	Article 28a Directive	
Article 2, first paragraph, point (5), amending provision, ninth paragraph				
271	Protection from disconnections for vulnerable customers	Protection from disconnections for vulnerable customers	Protection from disconnections for vulnerable customers Directive	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 2, first paragraph, point (5), amending provision, tenth paragraph			
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 <u>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</u> disconnections <u>are prohibited during ongoing judicial or out-of-court disputes between the supplier and customers for a period of eight weeks</u> . This shall be provided as part of the concept of vulnerable customers pursuant to Article 28 (1) <u>28(1)</u> 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	AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).
	Article 2, first paragraph, point (5), amending provision, tenth paragraph a			
272a		<u>Member States shall complement the provisions of paragraph 1 by adopting specific measures for</u>	Directive	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>the winter and summer seasons to enable household customers to manage their consumption and avoid high settlement bills.</i></u>		
Article 2, first paragraph, point (5), amending provision, twelfth paragraph				
272b		<u><i>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.</i></u>	Directive	
Article 2, first paragraph, point (5), amending provision, thirteenth paragraph				
272c		<u><i>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.</i></u>	Directive	
Article 2, first paragraph, point (5), amending provision, fourteenth paragraph				
272d		<u><i>Member States shall identify appropriate means to guarantee compensation for losses incurred by the relevant suppliers.’;</i></u>	Directive	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		“		
Article 2, first paragraph, point (6)				
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	
Article 2, first paragraph, point (6), amending provision, numbered paragraph (1)				
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 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	“ 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 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	“ 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 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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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. ”	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.”	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	
Article 2, first paragraph, point (6a)				
274a		<u>(6a) in Article 31, paragraph 2 is replaced by the following:</u>	Directive	
Article 2, first paragraph, point (6a), amending provision, first paragraph				
274b		” <u>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</u>	Directive	AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>distribution system on an equal footing with other market participants.</u> ’;	"	
Article 2, first paragraph, point (7)				
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	
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 <u>the</u> 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 <u>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</u>	“ 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.	AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>grid, the demand and generation for the next five years and</u> in congested areas if flexible energy storage connections can be accommodated, and <u>temporarily until the decided network reinforcements have been accomplished. The distribution system operator shall</u> update that information regularly, on a regular basis, and in any event at least quarterly <u>every month</u>.</p>	<p>Directive</p>	
Article 2, first paragraph, point (7), amending provision, numbered paragraph (3), second subparagraph				
277	<p>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.</p>	<p>Distribution system operators shall also provide clear and transparent information to system users about the status and treatment of their connection requests <u>including a timeline of procedures and cost estimates for needed grid reinforcements</u>. They shall provide such information within a period of three months from the submission of the request. <u>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.</u></p>	<p>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."</p> <p>Directive</p>	<p>AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 2, first paragraph, point (7), amending provision, numbered paragraph (3a)			
277a		<p><u><i>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 national standards by ... [12 months after the date entry into force of this amending Regulation] and shall submit a proposal for harmonised standards.'</i></u></p> <p>”</p>	<p>Directive</p>	<p>AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).</p>
	Article 2, first paragraph, point (7), amending provision, numbered paragraph (3b)			
277b			<p>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."</p> <p>”</p> <p>Directive</p>	
	Article 2, first paragraph, point (7a)			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
277c		<u>(7a) in Article 33, paragraph 1 is replaced by the following:</u>	Directive	
Article 2, first paragraph, point (7a), amending provision, first paragraph				
277d		<p>"</p> <p><u>1. Without prejudice to Directive 2014/94/EU of the European Parliament and of the Council¹, 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</u></p>	Directive	AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>reinforcement is needed, and one year, if reinforcement is needed, without prejudice to the relevant public consultation and environmental impact assessments where applicable.’;</u> “ <u>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).</u>		
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),				
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), , amending provision, first paragraph				
280	“	“	“	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.-"	
Article 2, first paragraph, point (9)				
281	(9) Article 59 is amended as follows:	(9) Article 59 is amended as follows:	(9) Article 59 is amended as follows:	
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:	
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	“(c) , in close coordination with the other regulatory authorities, ensuring the compliance of the	“(c) ,in close coordination with the other regulatory authorities, ensuring the compliance of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>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 decision, pursuant to Article 6(10) of Regulation (EU) 2019/942;</p> <p>”</p>	<p>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 decision, pursuant to Article 6(10) of Regulation (EU) 2019/942;</p> <p>”</p>	<p>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 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;”</p> <p>”</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			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	
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 accordance with Article 58(d). ”	“ (z) The regulatory authority shall have the following duties: monitoring the removal of unjustified obstacles to and restrictions on the development, <u>production, storage, of consumption and selling of self-generated or shared electricity, renewable energy communities</u> 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 Article 58(d) <u>58, point (d).</u> ”	“ (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 generation within a reasonable time in accordance with Article 58(d). ” Directive	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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	
Article 2, first paragraph, point (9)(c), amending provision, numbered paragraph (4)				
287	<p>“</p> <p>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.</p> <p>”</p>	<p>“</p> <p>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.</p> <p>”</p>	<p>“</p> <p>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 authority or of ACER, or to propose that a competent court impose such penalties.</p> <p>”</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Directive	
Article 2, first paragraph, point (9a), first subparagraph				
287a			<p>(9a) In Article 66, the following paragraph 6 is added</p> <p>Directive</p>	
Article 2, first paragraph, point (9a), second subparagraph				
287b			<p>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.</p> <p>Directive</p>	
Article 2, first paragraph, point (9a), third subparagraph				
287c			<p>By way of derogation from Article 54(2), Estonia, Latvia and Lithuania may allow their transmission system operators</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>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.</p> <p>Directive</p>	
Article 2, first paragraph, point (9a), fourth subparagraph				
287d			<p>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.</p> <p>Directive</p>	
Article 2, first paragraph, point (9b), first subparagraph				
287e				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			(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.	
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.	
Article 2, first paragraph, point (10)				
288	(10) the following Article 66a is inserted	(10) the following Article 66a is inserted	(10) the following Article 66a is inserted Directive	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 2, first paragraph, point (10), amending provision, first paragraph				
289	“ Article 66a	“ Article 66a	“ Article 66a Directive	
Article 2, first paragraph, point (10), amending provision, second paragraph				
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	
Article 2, first paragraph, point (10), amending provision, numbered paragraph (1)				
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 <u>shall</u> by decision declare a regional or Union-wide electricity price crisis, <u>except in duly justified circumstances</u> , 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	
Article 2, first paragraph, point (10), amending provision, numbered paragraph (1), point (a)				
292	(a) very high prices in wholesale electricity markets at least two and a half times the average price	(a) very high prices in wholesale electricity markets at least two and a half times the average price	(a) very high average prices in wholesale electricity markets of at least two and a half times the	AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	during the previous 5 years which is expected to continue for at least 6 months;	during the previous 5 years, <u>and at least 180 €/MWh</u> , which is expected to continue for at least 6 months;	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	Precise criteria are welcome.
Article 2, first paragraph, point (10), amending provision, numbered paragraph (1), point (b)				
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% <u>60% of the previous two years average</u> occur which are expected to continue for at least 63 <u>6</u> 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 63 months; and Directive	AT with preference for the Commission proposal : Seasonal variations in electricity prices, e.g. very low prices in summer and high prices in winter that together form a average level of electricity prices, should not lead to the declaration of an energy crisis.
Article 2, first paragraph, point (10), amending provision, numbered paragraph (1), point (c)				
294	(c) the wider economy is being negatively affected by the increases in electricity prices.	<i>deleted</i>	(c) the wider economy is being negatively affected by the increases in electricity prices. Directive	Keep council text
Article 2, first paragraph, point (10), amending provision, numbered paragraph (2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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. <u>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.</u>	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	AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).
Article 2, first paragraph, point (10), amending provision, numbered paragraph (2a)				
295a		<u>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 distorted.</u>	Directive	AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).
Article 2, first paragraph, point (10), amending provision, numbered paragraph (2b)				
295b				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>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.</p> <p>Directive</p>	
Article 2, first paragraph, point (10), amending provision, numbered paragraph (2c)				
295c			<p>4. The Council, acting by a qualified majority, may amend a Commission proposal submitted pursuant to paragraphs 3 and 7.</p> <p>Directive</p>	
Article 2, first paragraph, point (10), amending provision, 5.				
296	<p>3. Where the Commission has adopted a decision pursuant to paragraph 1, Member States may for the 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:</p>	<p>3. Where the Commission has adopted a decision pursuant to paragraph 1, Member States may for the duration of the validity of that decision apply <u>temporary</u> targeted public interventions in price setting for the supply of electricity to small and medium sized enterprises <u>and energy-</u></p>	<p>35. Where the CommissionCouncil has adopted a decision pursuant to paragraph 1, Member States may, for the 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:</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>intensive industrial consumers</u> . Such public interventions shall:	Directive	
Article 2, first paragraph, point (10), amending provision, 5., point (a)				
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	
Article 2, first paragraph, point (10), amending provision, 5., point (b)				
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	
Article 2, first paragraph, point (10), amending provision, 5., point (c)				
299	(c) where relevant, comply with the conditions set out in Paragraph 4.	(c) where relevant, comply with the conditions set out in paragraph 4.	(c) where relevant, comply with the conditions set out in Paragraph 4. Directive	
Article 2, first paragraph, point (10), amending provision, 5., point (ca)				
299a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>(ca) be designed to minimise any negative fragmentation of competition in the Union.</i>	Directive	AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).
Article 2, first paragraph, point (10), amending provision, 6.				
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	
Article 2, first paragraph, point (10), amending provision, 6., point (a)				
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 <i>and applies to</i>	(a) the price set for households only applies to at most 80% of median household consumption and retains an incentive for demand reduction;	AT demonstrates flexibility regarding the text proposed by the European Parliament (EP).

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>100% for vulnerable household customers affected by or at risk of energy poverty;</u>	Directive	
Article 2, first paragraph, point (10), amending provision, 6., point (b)				
302	(b) there is no discrimination between suppliers;	(b) there is no discrimination between suppliers;	(b) there is no discrimination between suppliers; Directive	
Article 2, first paragraph, point (10), amending provision, 6., point (c)				
303	(c) suppliers are compensated for supplying below cost; and	(c) suppliers are compensated for supplying below cost <u>in a transparent and non-discriminatory way</u> ; and	(c) suppliers are compensated for supplying below cost; and Directive	
Article 2, first paragraph, point (10), amending provision, 6., point (d)				
304	(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 <u>and</u>	(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	
Article 2, first paragraph, point (10), amending provision, 6., point (da)				
304a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i><u>(da) measures proposed do not distort the internal electricity market.</u></i>	Directive	
Article 2, first paragraph, point (10), amending provision, 6., point (db)				
304b		<i><u>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.';</u></i>	Directive	
Article 2, first paragraph, point (10), amending provision, numbered paragraph (4a)				
304c			7. In due time before the expiry of the period specified pursuant to paragraph 2, the Commission shall assess 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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>prolong the period of validity, paragraphs 5 and 6 shall apply during such prolonged period.</p> <p>Directive</p>	
Article 2, first paragraph, point (10), amending provision, numbered paragraph (4b)				
304d			<p>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) 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.</p> <p>“</p>	
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:	<p><i>deleted</i></p> <p>Directive</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<i>Article 2, first paragraph, point (11), amending provision, numbered paragraph (1), first subparagraph</i>			
306	<p>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.</p>	<p>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.</p>	<p><i>deleted</i></p> <p>Directive</p>	
	<i>Article 2, first paragraph, point (11), amending provision, numbered paragraph (1), second subparagraph</i>			
307				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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:	<i>deleted</i> Directive	
<i>Article 2, first paragraph, point (11), amending provision, numbered paragraph (1), second subparagraph, point (a)</i>				
308	(a) point (5)(a) of Article 70 by 31 December 2019;	(a) point (5)(a) of Article 70 by 31 December 2019;	<i>deleted</i> Directive	
<i>Article 2, first paragraph, point (11), amending provision, numbered paragraph (1), second subparagraph, point (b)</i>				
309	(b) point (4) of Article 70 by 25 October 2020.	(b) point (4) of Article 70 by 25 October 2020.	<i>deleted</i> Directive	
<i>Article 2, first paragraph, point (11), amending provision, numbered paragraph (1), third subparagraph</i>				
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), Article 15a, Article 18a, Article 27(1), Article 27a, Article 28a, Article 31(3), Article 40(7),	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), Article 15a, Article 18a, Article 27(1), Article 27a, Article 28a, Article 31(3), Article 40(7),	<i>deleted</i> Directive	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 59(1) points (c) and (z), Article 59(4) and Article 66a by six months after entry into force of this Regulation.	Article 59(1) points (c) and (z), Article 59(4) and Article 66a by six months after entry into force of this Regulation.		
<i>Article 2, first paragraph, point (11), amending provision, numbered paragraph (1), fourth subparagraph</i>				
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	
<i>Article 3</i>				
312	Article 3 Amendment to Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the	Article 3 Amendment to Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the	Article 32 Amendment to Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	promotion of the use of energy from renewable sources	promotion of the use of energy from renewable sources	<p>promotion of the use of energy from renewable sources 2018/2001</p> <p>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.</p> <p>This concerns lines 215 - 320</p> <p>Directive</p>	
Article 3, first paragraph				
313	Directive (EU) 2018/2001 is amended as follows:	Directive (EU) 2018/2001 is amended as follows:	<p>Directive (EU) 2018/2001 is amended as follows:</p> <p>Directive</p>	
Article 3, first paragraph, point (1)				
314	(1) Article 4(3) is amended as follows:	(1) Article 4(3) is amended as follows:	<p>(1) Article 4(3) is amended as follows:</p> <p>Directive</p>	
Article 3, first paragraph, point (1)(a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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	
Article 3, first paragraph, point (1)(a), amending provision, first paragraph				
316	<p>‘</p> <p>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) 2019/944, to which Article 19b(1) of that Regulation applies.</p> <p>’</p>	<p>‘</p> <p>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.</p> <p><u>The second subparagraph of this paragraph</u> This sentence shall not apply to support for electricity from the renewable sources listed in Article 19b(2) of Regulation (EU) 2019/944 <u>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</u>, to which Article 19b(1) of that Regulation applies.</p> <p>’</p>	<p>‘</p> <p>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 19b(2) of Regulation (EU) 2019/944 2019/943 of the European Parliament and of the Council¹, to which Article 19b(1) of that Regulation applies.’</p> <p>’</p> <p>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).</p> <p>Directive</p>	
Article 3, first paragraph, point (2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
317	(2) in Article 36, paragraph 1 is replaced by the following:	(2) in Article 36, paragraph 1 is replaced by the following:	deleted Directive	
<i>Article 3, first paragraph, point (2), amending provision, numbered paragraph (1), first subparagraph</i>				
318	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Articles 2 to 13, 15 to 31 and 37 and Annexes II, III and V to IX, by 30 June 2021. However, Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 4(3), second subparagraph, by [six months after entry into force of this Regulation].	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Articles 2 to 13, 15 to 31 and 37 and Annexes II, III and V to IX, by 30 June 2021. However, Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 4(3), second third subparagraph, by ... [six months after the date of entry into force of this amending Regulation].	deleted Directive	
<i>Article 3, first paragraph, point (2), amending provision, numbered paragraph (1), second subparagraph</i>				
319	They shall immediately communicate the text of those measures to the Commission.	They shall immediately communicate the text of those measures to the Commission.	deleted Directive	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<i>Article 3, first paragraph, point (2), amending provision, numbered paragraph (1), third subparagraph</i>				
320	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	
<i>Article 3a</i>				
320a			Article 3 Transposition Directive	
<i>Article 3a(1)</i>				
320b			1. Member States shall bring into force the laws, regulations and administrative provisions	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>necessary to comply with this Directive by six months after entry into force of [this Directive].</p> <p>By way of derogation from the first subparagraph, Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with points (2) and (4) of Article 1 by twenty-four months after entry into force of [this Directive].</p> <p>Directive</p>	
Article 3a(2)				
320c			<p>They shall immediately communicate the text of those measures to the Commission.</p> <p>Directive</p>	
Article 3a(3)				
320d			<p>When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>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.'</p> <p>Directive</p>	
Article 3b				
320e			<p>Article 4 Entry into force</p> <p>Directive</p>	
Article 3b(1)				
320f			<p>1. This Directive shall enter into force on the [twentieth] day following that of its publication in the Official Journal of the European Union.</p> <p>Directive</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 3c				
320g			Article 5 This Directive is addressed to the Member States. Directive	
Article 3c, first paragraph				
320h			Done at Strasbourg, Directive	
Article 3c, second paragraph				
320i			For the European Parliament Directive	
Article 3c, third paragraph				
320j			The President Directive	
Article 3c, fourth paragraph				
320k			For the Council	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Directive	
Article 3c, fifth paragraph				
320l			The President Directive	
Article 4				
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	
Article 4, first paragraph				
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:	
Article 4, first paragraph, point (1)				
323	(1) Article 2 is amended as follows:	(1) Article 2 is amended as follows:	(1) Article 2 is amended as follows:	
Article 4, first paragraph, point (1)(a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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:	
Article 4, first paragraph, point (1)(a), amending provision, first paragraph				
325	<p>‘</p> <p>(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</p>	<p>‘</p> <p>(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</p>	<p>‘</p> <p>(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) 2016/1719¹, 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</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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;	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;	(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 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).	
Article 4, first paragraph, point (1)(b)				
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:	
Article 4, first paragraph, point (1)(b), amending provision, first paragraph				
327	“(d) issue individual decisions on the provision of information in accordance with Article 3(2),	“(d) issue individual decisions on the provision of information in accordance with Article 3(2),	“(d) issue individual decisions on the provision of information in accordance with Article 3(2),	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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 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	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 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	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 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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the methodology concerning the data and analysis to be provided as regards the flexibility needs pursuant to Article 5(10). ; ”	the methodology concerning the data and analysis to be provided as regards the flexibility needs pursuant to Article 5(10). ; ”	the methodology concerning the data and analysis to be provided as regards the flexibility needs pursuant to Article 5(10). ”; ”	
Article 4, first paragraph, point (2)				
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:	
Article 4, first paragraph, point (2), amending provision, first paragraph				
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. ”; ”	
Article 4, first paragraph, point (3)				
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:	
Article 4, first paragraph, point (3), amending provision, numbered paragraph (9)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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.” ”	
Article 4, first paragraph, point (4)				
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:”;	
Article 4, first paragraph, point (4), amending provision, first paragraph				
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.” ”	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 4, first paragraph, point (5)				
334	(5) In Article 5, the following paragraph 9 is added:	(5) In Article 5, the following paragraph 9 is added:	<i>deleted</i>	
Article 4, first paragraph, point (5), amending provision, numbered paragraph (9)				
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 pursuant to Article 9(2) of Regulation (EU) 2019/943. ”	“ 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 pursuant to Article 9(2) of Regulation (EU) 2019/943. ”	<i>deleted</i>	
Article 4, first paragraph, point (6)				
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:	
Article 4, first paragraph, point (6), amending provision, numbered paragraph (10)				
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	“ 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	“ 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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	be provided as regards the flexibility needs pursuant to Article 19e(5) of Regulation (EU) 2019/943.	be provided as regards the flexibility needs pursuant to Article 19e(5) of Regulation (EU) 2019/943.	be provided as regards the flexibility needs pursuant to Article 19e(5)c(4) of Regulation (EU) 2019/943."	
Article 4, first paragraph, point (6a), first subparagraph				
337a			(6a) in Article 6, paragraph 9, is amended as follows:	
Article 4, first paragraph, point (6a), second subparagraph				
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."	
Article 4, first paragraph, point (7)				
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:	
Article 4, first paragraph, point (7), amending provision, numbered paragraph (5)				
339	“ 5. ACER shall issue a report analysing the national assessments	“ 5. ACER shall issue a report analysing the national assessments	“ 5. ACER shall issue a report analysing the national assessments	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.; ”	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.; ”	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)c(7) of Regulation (EU) 2019/943.; ”	
Article 5				
340	Article 5 Entry into force	Article 5 Entry into force	Article 5 Entry into force	
Article 5, first paragraph				
341	This Regulation shall enter into force on the [xxx] day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the [xxx] day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the [xxx] twentieth day following that of its publication in the Official Journal of the European Union.	
Article 5, second paragraph				
342	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	
Formula				
343				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Done at Strasbourg,	Done at <i>Strasbourg</i> ...,	Done at Strasbourg,	
Formula				
344	For the European Parliament	For the European Parliament	For the European Parliament	
Formula				
345	The President	The President	The President	
Formula				
346	For the Council	For the Council	For the Council	
Formula				
347	The President	The President	The President	