



Council of the European Union
General Secretariat

**Interinstitutional files:
2023/0077 (COD)**

Brussels, 23 November 2023

WK 15717/2023 INIT

LIMITE

**ENER
ENV
CLIMA
COMPET
CONSOM
FISC
CODEC**

This is a paper intended for a specific community of recipients. Handling and further distribution are under the sole responsibility of community members.

MEETING DOCUMENT

| | |
|----------|---|
| From: | General Secretariat of the Council |
| To: | Working Party on Energy |
| Subject: | EMD: suggestions for compromise amendments - EWP on 28 November |

In relation to the EMD Regulation, and in view of further work with the Parliament, delegations will find in the Annex suggestions for compromise amendments, in relation to:

- Articles 1, 2, 64 (partially), 69a, Annex I in Electricity Regulation 2019/943 & Articles 2, 27, 40, 59 (partially), 66, 71 in Electricity Directive 2019/944
- Amendments to Renewables Directive 2018/2001 & ACER Regulation 2019/942
- Articles 50&57 Electricity Regulation and art. 31&33 Electricity Directive

The Presidency encourages Member States to share their views and contributions on the proposals in this note during the Energy Working Party on 28 November, or in written until 28 November (CoB).

WK 15717/2023 INIT

LIMITE

EN

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 |
|---|---|---|---|--|
| 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 | Regulation (EU) 2019/943 is amended as follows: | Regulation (EU) 2019/943 is amended as follows: | Regulation (EU) 2019/943 is amended as follows: | Regulation (EU) 2019/943 is amended as follows: |
| 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: | (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> | | (a) set the basis for an efficient achievement of the objectives of the Energy Union and <u><i>the objective to achieve climate neutrality by 2050 at the latest,</i></u> in particular the climate and energy framework for |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--|---|---|---|---|
| | | | | 2030 by enabling market signals to be delivered for increased efficiency, higher share of renewable energy sources, security of supply, flexibility, <u>system integration through multiple energy carriers</u> , sustainability, decarbonisation and innovation; |
| Article 1, first paragraph, point (1)(-a), amending provision, first paragraph | | | | |
| 70b | | " <u>(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;</u> " | | |
| 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: | (a) point (b) is replaced by the following: |
| Article 1, first paragraph, point (1)(a), amending provision, first paragraph | | | | |
| 72 | , | , | , | |


| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|---|---|---|--|--|
| | (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; | (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</u> , ensure 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 distributed demand and supply, and enable market and sectoral integration and market-based remuneration of electricity generated from renewable sources; | (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;' | 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 competitiveness on the global market, enhance <u>security of supply and</u> 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;' |
| 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,</u> | | |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|---|--|---|---|--|
| | | <u>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: | (b) the following point is added: Text Origin: Council Mandate |
| 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 from fluctuations of short-term electricity market prices, in particular fossil fuel prices in the medium to long-term. | (e) support long-term investments in renewable energy generation <u>flexibility, including energy storage</u> , and enable consumers' to make their energy bills <u>affordable and</u> less dependent from fluctuations of short-term electricity market prices, in particular fossil fuel prices in the medium to long-term. | (e) support long-term investments in renewable energy generation and enable consumers' to make their energy bills less dependent from fluctuations of short-term electricity market prices, in particular fossil fuel prices in the medium to long-term.' | (e) support long-term investments in renewable energy generation, <u>flexibility and grids</u> to enable consumers to make their energy bills <u>affordable and</u> less dependent 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> | | <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 | | | | |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--|--|--|---|--|
| 74b | | <i>(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.'</i> | | |
| 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: | (2) In Article 2, the following points are added: |
| Article 1, first paragraph, point (2), amending provision, numbered paragraph (72) | | | | |
| 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; | (72) 'peak hour' means an hour with the highest <u>where, based on the forecasts of transmission system operators and, where applicable, nominated electricity consumption combined with a low level market operators, the gross electricity consumption or the gross consumption of electricity generated from sources other than renewable energy sources</u> <u>referred to in Article 2(1) of Directive (EU) 2018/2001 of the European Parliament and of the Council or the day-ahead wholesale electricity price are</u> |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--|--|--|--|---|
| | | | | <u>expected to be the highest</u> , taking cross-zonal exchanges into account; Discussed ITM 6, 8/11 |
| Article 1, first paragraph, point (2), amending provision, numbered paragraph (73) | | | | |
| G | 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; | (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 at the request of the system operator; Agreed ITM 6, 8/11 |
| Article 1, first paragraph, point (2), amending provision, numbered paragraph (74) | | | | |
| G | 78 (74) ‘peak shaving product’ means a market-based product through which market participants can provide peak shaving to the transmission system operators; | (74) ‘peak shaving product’ means a market-based product through which market participants can provide peak shaving to the transmission system operators; | (74) ‘peak shaving product’ means a market-based product through which market participants can provide peak shaving to the transmission system operators; | (74) ‘peak shaving product’ means a market-based product through which market participants can provide peak shaving to the transmission system operators; Agreed ITM 6, 8/11. |
| Article 1, first paragraph, point (2), amending provision, numbered paragraph (75) | | | | |
| Y | 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; | (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; |


| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--|---|---|--|---|
| 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; | |
| 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 on a market basis ; | (77) ‘power purchase agreement’ or ‘PPA’ means a contract under which a natural or legal person agrees to purchase electricity from an electricity producer on a market basis; | ‘ (77) ‘power purchase agreement’ or ‘PPA’ means a contract under which a natural or legal person agrees to purchase electricity from an electricity producer on a market basis; Proposal for ITM 7 |
| Article 1, first paragraph, point (2), amending provision, numbered paragraph (78) | | | | |
| 82 | (78) ‘market revenue’ means realised income an electricity | (78) ‘market revenue’ means realised income an electricity <u>that a</u> | deleted | |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|---|--|---|--|--|
| | 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; | 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; |  | |
| Article 1, first paragraph, point (2), amending provision, numbered paragraph (78a) | | | | |
| 82a | | <u>78a. ‘settlement’ means a payment that is made and received between counterparties, against delivery and receipt of electricity where applicable, in fulfilment of the counterparties’ respective obligations pursuant to one or more clearing transactions;</u> | | <i>Not to be incorporated.</i> |
| 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</u> | (79) ‘dedicated metering <u>measurement</u> device’ means a device attached <u>linked</u> to or embedded in an asset that sells provides demand response or flexibility services on the electricity market or to transmission and distribution system operators; | (79) ‘dedicated metering <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; |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|---|--|--|--|--|
| | | <u>that allows measuring the volume of demand response and flexibility services delivered;</u> | | CSL proposal for ITM 7 |
| 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> | | [No definition. Term to be used in article 6a Electricity Directive on flexible connection agreements] |
| 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> | | To be moved to the Electricity Directive, in connection with art. 6a on flexible connection agreements] <u>79b. ‘flexible connection agreement’ means a set of agreed conditions for connecting electrical capacity to the grid, that includes conditions to limit and control the electricity injection to and withdrawal from the transmission or distribution network;</u> |
| 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 | (80) ‘flexibility’ means the ability of an electricity system to adjust to the variability of generation and consumption patterns and grid | (80) ‘flexibility’ means the ability of an electricity system to adjust to the variability of generation and consumption patterns and grid | (80) ‘flexibility’ means the ability of an electricity system to adjust to the variability of generation and consumption patterns and grid |


| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|---|--|--|--|--|
| | availability, across relevant market timeframes. | availability, across relevant market timeframes. | availability, across relevant market timeframes. | 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 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> | | <i>Not to be incorporated.</i> |
| 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> | | <i>Not to be incorporated.</i> |
| 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</u> | | <i>Not to be incorporated.</i> |


| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|---|---------------------|---|---|--|
| | | <u>single day-ahead coupling gate opening time until the time when the single day-ahead coupling results are published;</u> | | |
| 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 (13b) | | | | |
| 208c | | <u>(13b) Article 69 is amended as follows:</u> | | <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> | | <u>(a) paragraph 2 is replaced by the following:</u> |
| Article 1, first paragraph, point (13b)(a), amending provision, first paragraph | | | | |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|------|---------------------|---|---|---|
| 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> |  | <p>2. By 30 June 2026, the Commission shall review this Regulation shall submit a comprehensive report to the European Parliament and to the Council on the basis of that review, accompanied by a legislative proposal where appropriate.</p> <p>The Commission's report shall assess, among others:</p> <ul style="list-style-type: none"> (a) The effectiveness of the current structure and functioning of the short-term electricity markets, in particular in crisis situations, and, more generally, the inefficiencies concerning the internal electricity market; (b) The 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 internal electricity market. (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 <p>Addition of an amendment of Article 69.2 of Electricity Directive 2019/944:</p> |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--|---------------------|---|-----------------|--|
| | | | PUBLIC | <p>"2. By 31 December 2025, the Commission shall review the implementation of this Directive and shall submit a report to the European Parliament and to the Council. If appropriate, the Commission shall submit a legislative proposal together with or after submitting the report. The Commission's review shall, in particular, assess <u>the service quality offered to final customers and</u> whether customers, especially those who are vulnerable or in energy poverty, are adequately protected under this Directive."</p> |
| Article 1, first paragraph, point (13b)(a), amending provision, first paragraph, point (a) | | | | |
| 208f | | <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) | | | | |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--|---------------------|--|-----------------|-----------------|
| 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 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 | | " | | |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--|---------------------|--|---|-----------------|
| | | <p><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></p> |  | |
| 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</u></p> | | |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|---|---------------------|---|---|-----------------|
| | | <p><u>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> |  | |
| 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</u></p> | | |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--|---------------------|---|---|---|
| | | <i><u>the conclusions, the Commission shall, where appropriate, accompany that assessment with a legislative proposal amending this Regulation.';</u></i> | | |
| Article 1, first paragraph, point (13a), first subparagraph | | | | |
| 208n | | | (13a) In Article 64, the following paragraph is added: | (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</p> | <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</p> |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--|---------------------|------------|---|---|
| | | | Commission Regulation (EU) 2017/2195, without volume limitations until six months after the moment when the co-optimised allocation process is fully implemented and operational pursuant to paragraph 3 of Article 38 of Commission Regulation (EU) 2017/2195. | moment when the co-optimised allocation process is fully implemented and operational pursuant to paragraph 3 of Article 38 of Commission Regulation (EU) 2017/2195. |
| Article 1, first paragraph, point (13b), first subparagraph | | | | |
| 208p | | | (13ab) In Article 64, the following paragraph is inserted. | |
| Article 1, first paragraph, point (13b), second subparagraph | | | | |
| 208q | | | (2c) By way of derogation from Article 22(4)(b), Member States may request that generation capacity that started commercial production before 4 July 2019 and that emits more than 550 g of CO2 of fossil fuel origin per kWh of electricity may, subject to compliance with Articles 107 and 108 TFEU, exceptionally be committed or receive payments or commitments for future payments under a capacity mechanism approved by the Commission before the entry into force of this regulation. The Commission shall assess the impact of the request in | |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|---|---------------------|------------|--|-----------------|
| | | | terms of greenhouse gas emissions and may, subject to compliance with Articles 107 and 108 TFUE, grant the authorization, provided that the following conditions are fulfilled: | |
| 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 (1) for the contracting period covered by that bidding process; | |
| Article 1, first paragraph, point (13b), second subparagraph, point (c) | | | | |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--|---------------------|------------|---|-----------------|
| 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 | | | <p>(13b) In Article 69 the following paragraph 1a is added:</p> | |
| 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</p> | |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--|---------------------|--|---|-----------------|
| | | | <p>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 assessing capacity mechanisms as appropriate.</p> | |
| Article 1, first paragraph, point (14) | | | | |
| G | 209 | (14) The following Article 69a is added: | (14) The following Article 69a is added: | G |
| Article 1, first paragraph, point (14), amending provision, first paragraph | | | | |
| G | 210 | “ Article 69a | “ Article 69a | G |
| Article 1, first paragraph, point (14), amending provision, second paragraph | | | | |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--|--|--|---|---|
| 211 | Interaction with Union financial legislation | 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 4(1)(15) of Directive (EU) 2014/65. | 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 4(1)(15) of Directive (EU) 2014/65. | 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 4(1) point (15) of Article 4(1) of Directive (EU) 2014/65. | 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 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: | (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. | 1.2. Coordinated capacity calculation shall be performed for all allocation timeframes. |
| Article 2 | | | | |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|---------------------------------------|---|---|--|--------------------------------------|
| 215 | Article 2 Amendments to Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity | Article 2 Amendments to Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity | Article 2 Article 1 Amendments to Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity In accordance with the General Approach, the Council intends to split the Regulation and Directive into two separate legal acts. Following this, Article 2 would become Article 1 in a separate Directive amending Directives (EU) 2018/2001 and (EU) 2019/944. This concerns lines 215 - 320 Directive | |
| Article 2, first paragraph | | | | |
| 216 | Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity is amended as follows: | Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity is amended as follows: | Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity is amended as follows: Directive | |
| Article 2, first paragraph, point (1) | | | | |
| 217 | (1) Article 2 is amended as follows: | (1) Article 2 is amended as follows: | (1) Article 2 is amended as follows: | (1) Article 2 is amended as follows: |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|---|---|---|--|---|
| | | | Directive | |
| Article 2, first paragraph, point (1)(a) | | | | |
| 218 | (a) points (8) and (49) is replaced by the following: | (a) points (8) and (49) is replaced by the following: | (a) (a) points (8) and (49) is are replaced by the following: Directive | (a) <u>(a)</u> points (8) and (49) is are replaced by the following: Text Origin: Council Mandate |
| Article 2, first paragraph, point (1)(a), amending provision, numbered paragraph (8) | | | | |
| 219 | “(8) ‘active customer’ means a final customer, or a group of jointly acting final customers, who consumes or stores electricity generated within its premises located within confined boundaries or self-generated or shared electricity within other premises located within the same bidding zone, or who sells self-generated electricity or participates in flexibility or energy efficiency 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 | <i>To be seen in connection to article 15a of Electricity Directive, on energy sharing</i> |
| Article 2, first paragraph, point (1)(a), amending provision, numbered paragraph (49) | | | | |
| 220 | | | | |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|---|---|---|--|--|
| | (49) 'non-frequency ancillary service' means a service used by a transmission system operator or distribution system operator for steady state voltage control, fast reactive current injections, inertia for local grid stability, short-circuit current, black start capability, island operation capability and peak shaving;” | (49) 'non-frequency ancillary service' means a service used by a transmission system operator or distribution system operator for steady state voltage control, fast reactive current injections, inertia for local grid stability, short-circuit current, black start capability, island operation capability and peak shaving;” | (49) 'non-frequency ancillary service' means a service used by a transmission system operator or distribution system operator for steady state voltage control, fast reactive current injections, inertia for local grid stability, short-circuit current, black start capability, island operation capability and peak shaving;” Directive | <i>To be revisited to remove reference to peak shaving, in line with the approach in art. 7a of Electricity Regulation. Thus, the current definition as per Electricity Directive 2019/944 would apply and no amendment would be needed.</i> |
| Article 2, first paragraph, point (1)(b) | | | | |
| 221 | (b) the following points are added: | (b) the following points are added: | (b) the following points are added: Directive | (b) the following points are added: |
| Article 2, first paragraph, point (1)(b), amending provision, first paragraph | | | | |
| 222 | “(15a) ‘fixed term, fixed price electricity supply contract’ means an electricity supply contract between a supplier and a final customer that guarantees the same contractual conditions, including the price, while it may, within a fixed price, include a flexible element with for example peak and off peak price variations; | “(15a) ‘fixed term, fixed price electricity supply contract’ means an electricity supply contract between a supplier and a final customer that guarantees the same contractual conditions <u>during the whole duration of the contract</u> , including the price, while it may, within a fixed price, <u>and for customers equipped with smart meters</u> include a flexible element with for example peak and off peak | “(15a) ‘fixed term, fixed price electricity supply contract’ means an electricity supply contract between a supplier and a final customer that guarantees the same contractual conditions, including the price, during the whole duration of the contract , while it may, within a fixed price, include a flexible element with for example peak and off peak price variations; | “(15a) ‘fixed term, fixed price electricity supply contract’ means an electricity supply contract between a supplier and a final customer that guarantees the same contractual conditions, including the price, <u>during the whole duration of the contract</u> , while it may, within a fixed price, include a flexible element with for |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|---|--|--|---|--|
| | | 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> | Directive | example peak and off peak price variations, <u>and where changes in the resulting bill can only result from elements that are not determined by suppliers, such as taxes and levies;</u> |
| Article 2, first paragraph, point (1)(b), amending provision, second paragraph | | | | |
| 223 | (10a) ‘energy sharing’ means the self-consumption by active customers of renewable energy either: | (10a) ‘energy sharing’ means the self-consumption by active customers of renewable energy either: | (10a) ‘energy sharing’ means the self-consumption by active customers of renewable energy either: Directive | “(10a) ‘energy sharing’ means the self-consumption by active customers of renewable energy either: |
| 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 | (a) generated or stored offsite or on sites between them by a facility they own, lease, rent in whole or in part; or |
| 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. | (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 | Linked to discussion in art. 15a. If not used, to be removed. |
| 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 | (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; ” |
| 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 | To be seen in connection to article 28a of Electricity Directive, on Protection from disconnections for vulnerable customers |
| Article 2, first paragraph, point (1)(ba) | | | | |
| 227b | | | | See line 220 |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--|---------------------|---|-----------------|---|
| | | <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 | See line 220 |
| Article 2, first paragraph, point (1)(bb) | | | | |
| 227d | | <u>(bb) point (31) is replaced by the following:</u> | Directive | <u>(bb) point (31) is replaced by the following:</u> |
| 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 sources or renewable energy as defined in Article 2, point (1), of Directive (EU) 2018/2001;</u> " | Directive | <u>(31) 'energy from renewable sources' or 'renewable energy' means energy from renewable sources or renewable energy as defined in Article 2, point (1), of Directive (EU) 2018/2001, as amended by Directive 2023/2413;</u> |

| | 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 | (6) in Article 27, paragraph 1 is replaced by the following: |
| | 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 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 | “ 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 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 | “ 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 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 | “ 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 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 |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|---|--|--|--|--|
| | representation for that class of customers. ” | representation for that class of customers. 2 ; ” | representation for that class of customers.” Directive | representation for that class of customers. 2 ” |
| Article 2, first paragraph, point (8) | | | | |
| 278 | (8) Article 40 is amended as follows: | (8) Article 40 is amended as follows: | (8) In Article 40, the following paragraph is inserted is amended as follows: Directive | |
| Article 2, first paragraph, point (8)(a) | | | | |
| 279 | (a) a new paragraph is added after paragraph 6: | (a) a new paragraph is added after paragraph 6: | <i>deleted</i> Directive | |
| Article 2, first paragraph, point (8)(a), amending provision, first paragraph | | | | |
| 280 | “ The requirements in paragraphs 5 and 6 shall not apply with regard to the peak shaving product procured in accordance with Article 7a of Regulation (EU) 2019/943. ” | “ The requirements in paragraphs 5 and 6 shall not apply with regard to the peak shaving product procured in accordance with Article 7a of Regulation (EU) 2019/943. ” | “ 6a. The requirements in paragraphs 5 and 6 shall not apply with regard to the peak shaving product procured in accordance with Article 7a of Regulation (EU) 2019/943.” Directive | “ 6a. The requirements in paragraphs 5 and 6 shall not apply with regard to the peak shaving product procured in accordance with Article 7a of Regulation (EU) 2019/943. 2 ” ” |
| Article 2, first paragraph, point (9) | | | | |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|---|---|---|---|---|
| 281 | (9) Article 59 is amended as follows: | (9) Article 59 is amended as follows: | (9) Article 59 is amended as follows: Directive | (9) Article 59 is amended as follows: <i>Text Origin: Council Mandate</i> |
| 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: Directive | (a) In paragraph 1, subparagraph point (c) is replaced by the following: <i>Text Origin: Council Mandate</i> |
| Article 2, first paragraph, point (9)(a), amending provision, first paragraph | | | | |
| 283 | “(c) , in close coordination with the other regulatory authorities, ensuring the compliance of the single allocation platform established in accordance with Regulation (EU) 2016/1719, the ENTSO for Electricity and the EU DSO entity with their obligations under this Directive, Regulation (EU) 2019/943, the network codes and guidelines adopted pursuant to Articles 59, 60 and 61 of Regulation (EU) 2019/943, and other relevant Union law, including as regards cross-border issues, as well as with ACER's decisions, and jointly identifying non-compliance of the single allocation platform, the | “(c) , in close coordination with the other regulatory authorities, ensuring the compliance of the single allocation platform established in accordance with Regulation (EU) 2016/1719, the ENTSO for Electricity and the EU DSO entity with their obligations under this Directive, Regulation (EU) 2019/943, the network codes and guidelines adopted pursuant to Articles 59, 60 and 61 of Regulation (EU) 2019/943, and other relevant Union law, including as regards cross-border issues, as well as with ACER's decisions, and jointly identifying non-compliance of the single allocation platform, the | “(c) ,in close coordination with the other regulatory authorities, ensuring the compliance of the single allocation platform established in accordance with Regulation (EU) 2016/1719, of an entity designated for the management of the integrated day-ahead and intraday market where applicable , of the ENTSO for Electricity and the EU DSO entity with their obligations under this Directive, Regulation (EU) 2019/943, the network codes and guidelines adopted pursuant to Articles 59, 60 and 61 of Regulation (EU) 2019/943, and other relevant Union law, including as regards | <i>Linked to discussion in art. 7 Electricity Regulation 2019/943, in relation to the entity for the management of coupling.</i> |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|---|---|---|--|--|
| | 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; | 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; | 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;-” | |
| | | | Directive | |
| Article 2, first paragraph, point (9)(b) | | | | |
| 284 | (b) In paragraph 1, subparagraph (z) is replaced by the following: | (b) In paragraph 1, subparagraph (z) is replaced by the following: | (b) In paragraph 1, subparagraph point (z) is replaced by the following: Directive | (b) In paragraph 1, subparagraph <u>point</u> (z) is replaced by the following: Text Origin: Council Mandate |
| Article 2, first paragraph, point (9)(b), amending provision, first paragraph | | | | |
| 285 | “ (z) The regulatory authority shall have the following duties: monitoring the removal of unjustified obstacles to and | “ (z) The regulatory authority shall have the following duties: monitoring the removal of unjustified obstacles to and | “ (z) The regulatory authority shall have the following duties: monitoring the removal of unjustified obstacles to and | (z) monitoring the removal of unjustified obstacles to and restrictions on the development of consumption of self-generated electricity, <u>energy sharing</u> . |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--|--|--|--|--|
| | 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). ” | restrictions on the development, <u>production, storage, of</u> consumption <u>and selling</u> of self-generated <u>or shared</u> electricity, <u>renewable energy communities</u> and citizen energy communities, including <u>related to obstacles and restrictions preventing</u> the connection of flexible distributed energy generation within a reasonable time in accordance with Article 58(d) <u>58, point (d).</u> ; ” | 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 | <u>renewable energy communities</u> and citizen energy communities, including related to <u>obstacles and restrictions preventing</u> the connection of flexible distributed energy generation within a reasonable time in accordance with Article 58(d) <u>58, point (d).</u> ; ” |
| Article 2, first paragraph, point (9)(c) | | | | |
| 286 | (c) paragraph 4 is replaced by the following: | (c) paragraph 4 is replaced by the following: | (c) paragraph 4 is replaced by the following: Directive | (c) paragraph 4 is replaced by the following: |
| Article 2, first paragraph, point (9)(c), amending provision, numbered paragraph (4) | | | | |
| 287 | “ 4. The regulatory authority located in the Member State in which the single allocation platform, the ENTSO for Electricity or the EU DSO entity has its seat shall have the power to impose effective, proportionate and dissuasive penalties on those entities where they do not comply with their obligations under this Directive, Regulation (EU) 2019/943 or any | “ 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 | “ 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 | <i>Linked to discussion in art. 7 Electricity Regulation 2019/943, in relation to the entity for the management of coupling.</i> |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|---|--|--|---|---|
| | relevant legally binding decisions of the regulatory authority or of ACER, or to propose that a competent court impose such penalties. | relevant legally binding decisions of the regulatory authority or of ACER, or to propose that a competent court impose such penalties. | 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. | |
| Article 2, first paragraph, point (9a), first subparagraph | | | | |
| 287a | | | (9a) In Article 66, the following paragraph 6 is added | (9a) In Article 66, the following paragraph 6 is added |
| Article 2, first paragraph, point (9a), second subparagraph | | | | |
| 287b | | | 6. By way of derogation from Article 40(4), the transmission system operators in Estonia, Latvia and Lithuania shall be able to rely on balancing services provided by domestic electricity storage providers, transmission system operators related undertakings, and other facilities owned by transmission system operators. | 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. |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|---|---------------------|------------|--|---|
| 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 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> | <p>By way of derogation from Article 54(2), Estonia, Latvia and Lithuania may allow their transmission system operators and transmission system operators related undertakings to own, develop manage and operate storage without following an open, transparent and non-discriminatory tendering procedure and may allow such storage to buy or sell electricity in the balancing markets.</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> | <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> |
| Article 2, first paragraph, point (9b), first subparagraph | | | | |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--|---|---|---|---|
| 287e | | | (9b) In Article 66, the following new paragraph is added: | (9b) In Article 66, the following new paragraph is added: |
| Article 2, first paragraph, point (9b), second subparagraph | | | | |
| 287f | | | 7. By way of derogation from Articles 40(4) and 54(2), Cyprus may allow its transmission system operator to own, develop manage and operate storage without following an open, transparent and non-discriminatory tendering procedure. | 7. By way of derogation from Articles 40(4) and 54(2), Cyprus may allow its transmission system operator to own, develop manage and operate storage without following an open, transparent and non-discriminatory tendering procedure. |
| Article 2, first paragraph, point (9b), third subparagraph | | | | |
| 287g | | | The derogations from Articles 40(4) and 54(2) shall apply until the transmission system in Cyprus is connected to other Member States' transmission systems via interconnection. | The derogations from Articles 40(4) and 54(2) shall apply until the transmission system in Cyprus is connected to other Member States' transmission systems via interconnection. |
| Article 2, first paragraph, point (11) | | | | |
| 305 | (11) in Article 71, paragraph 1 is replaced by the following: | (11) in Article 71, paragraph 1 is replaced by the following: | <i>deleted</i> Directive | <i>deleted</i> |
| Article 2, first paragraph, point (11), amending provision, numbered paragraph (1), first subparagraph | | | | |
| 306 | | | | |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|---|--|--|---|-----------------------|
| | <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><i>Directive</i></p> | <p><i>deleted</i></p> |
| <i>Article 2, first paragraph, point (11), amending provision, numbered paragraph (1), second subparagraph</i> | | | | |
| 307 | <p>However, Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with:</p> | <p>However, Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with:</p> | <p><i>deleted</i></p> <p><i>Directive</i></p> | <p><i>deleted</i></p> |
| <i>Article 2, first paragraph, point (11), amending provision, numbered paragraph (1), second subparagraph, point (a)</i> | | | | |
| 308 | | | | <p><i>deleted</i></p> |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|---|--|--|-----------------------------|-----------------|
| | (a) point (5)(a) of Article 70 by 31 December 2019; | (a) point (5)(a) of Article 70 by 31 December 2019; | deleted 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. | deleted Directive | deleted |
| <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), Article 59(1) points (c) and (z), Article 59(4) and Article 66a by six months after entry into force of this Regulation. | Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 2 points 10a, 10b, 15a, 24a, Article 4, Article 11(1), (1a) and (2), Article 15a, Article 18a, Article 27(1), Article 27a, Article 28a, Article 31(3), Article 40(7), Article 59(1) points (c) and (z), Article 59(4) and Article 66a by six months after entry into force of this Regulation. | deleted Directive | deleted |
| <i>Article 2, first paragraph, point (11), amending provision, numbered paragraph (1), fourth subparagraph</i> | | | | |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|-----------|---|---|---|-----------------|
| 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. | <div>deleted</div> <div>Directive</div> | deleted |
| Article 3 | | | | |
| 312 | Article 3 Amendment to 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 | Article 3 Amendment to 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 | <div>Article 32</div> <div>Amendment to 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</div> <div>2018/2001</div> <div>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.</div> | |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|---|---|--|---|-----------------|
| | | | <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) | | | | |
| 315 | (a) the second subparagraph is replaced by the following: | (a) the second subparagraph is replaced by the following: | <p>(a) the second subparagraph is replaced by the following:</p> <p>Directive</p> | |
| 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,</p> | <p>‘</p> <p>To that end, with regard to direct price support schemes, support shall be granted in the form of a market</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,</p> | |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|---|---|--|---|---|
| | 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. | premium, which could be, inter alia, sliding or fixed. <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.; | 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.’ ¹ Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (OJ L 158, 14.6.2019, p. 54). Directive | |
| Article 3, first paragraph, point (2) | | | | |
| 317 | (2) in Article 36, paragraph 1 is replaced by the following: | (2) in Article 36, paragraph 1 is replaced by the following: | <i>deleted</i> Directive | (2) in Article 36, paragraph 1 is replaced by the following: <small>Text Origin: Commission Proposal</small> |
| Article 3, first paragraph, point (2), amending provision, numbered paragraph (1), first subparagraph | | | | |
| 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 | ‘ 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 | <i>deleted</i> Directive | <i>deleted</i> |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|---|---|---|------------------------------------|-----------------|
| | administrative provisions necessary to comply with Article 4(3), second subparagraph, by [six months after entry into force of this Regulation]. | administrative provisions necessary to comply with Article 4(3), second ^{third} subparagraph, by [six months after <u>the date of</u> entry into force of this <u>amending</u> Regulation]. | | |
| <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. | <i>deleted</i> <u>Directive</u> | <i>deleted</i> |
| <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. | <i>deleted</i> <u>Directive</u> | <i>deleted</i> |
| <i>Article 4</i> | | | | |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|---|---|---|---|--|
| 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: | 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: | (1) Article 2 is amended as follows: |
| Article 4, first paragraph, point (1)(a) | | | | |
| 324 | (a) point (a) is replaced by the following: | (a) point (a) is replaced by the following: | (a) point (a) is replaced by the following: | (a) point (a) is replaced by the following: |
| Article 4, first paragraph, point (1)(a), amending provision, first paragraph | | | | |
| 325 | (a) issue opinions and recommendations addressed to transmission system operators, the ENTSO for Electricity, the ENTSO for Gas, the EU DSO Entity, the single allocation platform established in accordance with | (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 | (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 | <i>Linked to discussion in art. 7 Electricity Regulation 2019/943, in relation to the entity for the management of coupling.</i> |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--|--|--|--|-----------------|
| | <p>Regulation (EU) 2016/1719, regional coordination centres and nominated electricity market operators , on approving the methodologies, terms and conditions in accordance with Article 4(4), Article 5(2), (3) and (4); on bidding zones reviews as referred to in Article 5(7); on technical issues as referred to in Article 6(1); on arbitration between regulators in accordance with Article 6(10); related to regional coordination centres as referred to in Article 7(2), point (a); on approving and amending methodologies and calculations and technical specifications as referred to in Article 9(1); on approving and amending methodologies as referred to in Article 9(3); on exemptions as referred to in Article 10; on infrastructure as referred to in Article 11 point (d); on matters related to wholesale market integrity and transparency pursuant to Article 12;</p> <p style="text-align: right;">”</p> | <p>Regulation (EU) 2016/1719, regional coordination centres and nominated electricity market operators , on approving the methodologies, terms and conditions in accordance with Article 4(4), Article 5(2), (3) and (4); on bidding zones reviews as referred to in Article 5(7); on technical issues as referred to in Article 6(1); on arbitration between regulators in accordance with Article 6(10); related to regional coordination centres as referred to in Article 7(2), point (a); on approving and amending methodologies and calculations and technical specifications as referred to in Article 9(1); on approving and amending methodologies as referred to in Article 9(3); on exemptions as referred to in Article 10; on infrastructure as referred to in Article 11 point (d); on matters related to wholesale market integrity and transparency pursuant to Article 12;</p> <p style="text-align: right;">”</p> | <p>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 (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</p> <p style="text-align: right;">”</p> <p>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).</p> | |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|-----|--|--|---|---|
| | | | | |
| | 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: | (b) point (d) is replaced by the following: |
| | Article 4, first paragraph, point (1)(b), amending provision, first paragraph | | | |
| 327 | <p>“</p> <p>(d) issue individual decisions on the provision of information in accordance with Article 3(2), Article 7(2), point (b), and Article 8, point (c); on approving the methodologies, terms and conditions in accordance with Article 4(4), Article 5(2), (3) and (4); on bidding zones reviews as referred to in Article 5(7); on technical issues as referred to in Article 6(1); on arbitration between regulators in accordance with Article 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</p> | <p>“</p> <p>(d) issue individual decisions on the provision of information in accordance with Article 3(2), Article 7(2), point (b), and Article 8, point (c); on approving the methodologies, terms and conditions in accordance with Article 4(4), Article 5(2), (3) and (4); on bidding zones reviews as referred to in Article 5(7); on technical issues as referred to in Article 6(1); on arbitration between regulators in accordance with Article 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</p> | <p>“</p> <p>(d) issue individual decisions on the provision of information in accordance with Article 3(2), Article 7(2), point (b), and Article 8, point (c); on approving the methodologies, terms and conditions in accordance with Article 4(4), Article 5(2), (3) and (4); on bidding zones reviews as referred to in Article 5(7); on technical issues as referred to in Article 6(1); on arbitration between regulators in accordance with Article 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</p> | |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--|---|---|---|--|
| | integrity and transparency pursuant to Article 12, on approving and amending proposals from the ENTSO for electricity related to the regional virtual hubs pursuant to Article 5(9); and on approving and amending proposals from the ENTSO for electricity and the EU DSO entity related to the methodology concerning the data and analysis to be provided as regards the flexibility needs pursuant to Article 5(10). ; ” | integrity and transparency pursuant to Article 12, on approving and amending proposals from the ENTSO for electricity related to the regional virtual hubs pursuant to Article 5(9); and on approving and amending proposals from the ENTSO for electricity and the EU DSO entity related to the methodology concerning the data and analysis to be provided as regards the flexibility needs pursuant to Article 5(10). ; ” | and transparency pursuant to Article 12, on approving and amending proposals from the ENTSO for electricity related to the regional virtual hubs pursuant to Article 5(9); and on approving and amending proposals from the ENTSO for electricity and the EU DSO entity related to the methodology concerning the data and analysis to be provided as regards the flexibility needs pursuant to Article 5(10). ”; ” | |
| Article 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. ”; ” | <i>Linked to discussion in art. 7 Electricity Regulation 2019/943, in relation to the entity for the management of coupling.</i> |
| Article 4, first paragraph, point (3) | | | | |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|---|--|--|---|--|
| 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) | | | | |
| 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.”; | <i>Linked to discussion in art. 7 Electricity Regulation 2019/943, in relation to the entity for the management of coupling.</i> |
| 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.” | <i>Linked to discussion in art. 7 Electricity Regulation 2019/943, in relation to the entity for the management of coupling.</i> |

| | 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> | <i>To be aligned with final text on article 9.</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: | (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 be provided as regards the flexibility needs ” | “ 10. ACER shall approve and where necessary amend the joint proposal from the ENTSO for electricity and the EU DSO entity related to the methodology concerning the data and analysis to be provided as regards the flexibility needs ” | “ 10. ACER shall approve and where necessary amend the joint proposal from the ENTSO for electricity and the EU DSO entity related to the methodology concerning the data and analysis to be provided as regards the flexibility needs ” | “ 10. ACER shall approve and where necessary amend the joint proposal from the ENTSO for electricity and the EU DSO entity related to the methodology concerning the data and analysis to be provided as regards the flexibility needs ” |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|---|--|--|--|--|
| | pursuant to Article 19e(5) of Regulation (EU) 2019/943. " | pursuant to Article 19e(5) of Regulation (EU) 2019/943. " | pursuant to Article 19e(5)c(4) of Regulation (EU) 2019/943." " | 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: | (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." | 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: | (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 of the flexibility needs and providing recommendations on issues of cross-border relevance regarding the findings of the regulatory authorities pursuant to | “ 5. ACER shall issue a report analysing the national assessments of the flexibility needs and providing recommendations on issues of cross-border relevance regarding the findings of the regulatory authorities pursuant to | “ 5. ACER shall issue a report analysing the national assessments of the flexibility needs and providing recommendations on issues of cross-border relevance regarding the findings of the regulatory authorities pursuant to | “ 5. ACER shall issue a report analysing the national assessments of the flexibility needs and providing recommendations on issues of cross-border relevance regarding the findings of the regulatory authorities pursuant to |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--|---|---|---|---|
| | Article 19e(6) of Regulation (EU) 2019/943.; ” | Article 19e(6) of Regulation (EU) 2019/943.; ” | Article 19e(6)c(7) of Regulation (EU) 2019/943.; ” | Article 19e(6)c(7) of Regulation (EU) 2019/943.; ” |

Articles 50 & 57 of EMD Regulation and 31 & 33 of EMD Directive

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|---|--|---|---|---|
| | Article 1, first paragraph, point (11) | | | |
| G | 201 | (11) Article 50 is amended as follows: | (11) Article 50 is amended as follows: | (11) Article 50 is amended as follows: |
| | Article 1, first paragraph, point (11)(a) | | | |
| G | 202 | (a) the following paragraph 4a is added: | (a) the following paragraph 4a is added: | (a) the following paragraph 4a is added: |
| | Article 1, first paragraph, point (11)(a), amending provision, first paragraph, first subparagraph | | | |
| Y | 203 | “ 4a. Transmission system operators shall publish in a clear and transparent manner, information on the capacity available for new connections in their respective areas of operation, including in congested areas if flexible energy storage connections can be accommodated, ” | “ 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, ” | “ 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 spatial granularity, while respecting public security and data</u> ” |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|---|--|---|--|--|
| | and update that information regularly, at least quarterly. | <u>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 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> | and update that information regularly, at least quarterly. | <u>confidentiality</u> , including <u>the capacity under connection request and the possibility of flexible connection</u> in congested areas. <u>The publication shall include information on the criteria used to calculate available capacity for new</u> if flexible energy storage connections. <u>Transmission system operators shall</u> can be accommodated, and update that information regularly <u>on a regular basis</u> , at least quarterly <u>monthly</u> . [Note: + TSOs to update the information monthly and DSOs to do it quarterly + Inclusion of reference to “curtailment assumptions” in recitals] |
| Article 1, first paragraph, point (11)(a), amending provision, first paragraph, second subparagraph | | | | |
| 204 | Transmission system operators shall also provide clear and transparent information to system users about the status and treatment of their connection requests. They shall provide such information within a period of three months from the submission of the request ; | Transmission system operators shall also provide clear and transparent information to system users about the status and treatment of their connection requests, <u>including renewable generation and storage temporarily connected with a flexible connection agreement</u> . | 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, where relevant, those related to flexible connection agreements</u> . They shall provide such information |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--|--|--|---|--|
| | " | They shall provide such information within a period of three months from the submission of the request "; | " | within a period of three months from the submission of the request. <u>Where the requested connection is neither granted nor permanently rejected, distribution system operators shall update that information on a regular basis and at least quarterly.</u> ÷ |
| Article 1, first paragraph, point (12) | | | | |
| 205 | (12) in Article 57, the following paragraph 3 is added: | (12) in Article 57, the following paragraph 3 is added: | (12) in Article 57, the following paragraph 3 is added: | (12) in Article 57, the following paragraph 3 is added: Text Origin: Commission Proposal |
| Article 1, first paragraph, point (12), amending provision, numbered paragraph (3) | | | | |
| 206 | “ 3. Distribution system operators and transmission system operators shall cooperate with each other in publishing information on the capacity available for new connections in their respective areas of operation in a consistent manner and giving sufficient granular visibility to developers of new energy projects and other potential network users. “ | “ 3. Distribution system operators and transmission system operators shall cooperate with each other in publishing information on the capacity available for new connections in their respective areas of operation in a consistent manner and giving sufficient granular visibility to developers of new energy projects and other potential network users. <u>They shall jointly publish, in a clear and transparent manner, the requirements of grid development and system services,</u> “ | “ 3. Distribution system operators and transmission system operators shall cooperate with each other in publishing information on the capacity available for new connections in their respective areas of operation in a consistent manner and giving sufficient granular visibility to developers of new energy projects and other potential network users.” “ | ‘ 3. Distribution system operators and transmission system operators shall cooperate with each other in publishing information on the capacity available for new connections in their respective areas of operation in a consistent manner and giving sufficient granular visibility to developers of new energy projects and other potential network users. ’ |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|---|---------------------|--|-----------------|---|
| | | <i><u>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.</u></i> ; “ | | |
| Article 2, first paragraph, point (6a) | | | | |
| 274a | | <i><u>(6a) in Article 31, paragraph 2 is replaced by the following:</u></i> | Directive | <i><u>(6a) in Article 31, paragraph 2 is replaced by the following:</u></i> Text Origin: EP Mandate |
| Article 2, first paragraph, point (6a), amending provision, first paragraph | | | | |
| 274b | | “ <i><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 distribution system on an equal footing with other market participants.</u></i> ” | Directive | ‘ In any event, the distribution system operator shall not discriminate between system users or classes of system users, <i><u>including renewable energy communities and citizen energy communities</u></i> , particularly in favour of its related undertakings. ’ |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|---|---|--|--|--|
| 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 | (7) In Article 31, paragraph 3 is replaced by the following: |
| 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 grid, the demand and generation for the next five years and</u> in congested areas if flexible energy storage connections can be accommodated, <u>and temporarily until the decided network reinforcements have been accomplished. The distribution system operator shall</u> update that information regularly, on a regular | “ 3. The distribution system operator shall provide system users with the information they need for efficient access to, including use of, the system. In particular, the distribution system operator shall publish in a clear and transparent manner information on the capacity available for new connections in its area of operation, including in congested areas if flexible energy storage connections can be accommodated, and update that information regularly, at least quarterly. Directive | “ 3. The Distribution system operator <u>operators</u> shall provide system users with the information they need for efficient access to, including use of, the system. In particular, the distribution system operator <u>operators</u> shall publish in a clear and transparent manner, <u>with high spatial granularity, while respecting public security and data confidentiality, including the capacity under connection request and the possibility of flexible connection</u> in congested areas. <u>The publication shall include information on the criteria used to calculate available capacity for new-if flexible energy storage</u> connections. <u>Distribution system operators shall-can be</u> accommodated, and update that information regularly <u>on a regular</u> |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--|---|--|---|--|
| | | <u>basis, and in any event</u> at least quarterly <u>every month</u> . | | <u>basis, and in any event</u> , at least quarterly. |
| Article 2, first paragraph, point (7), amending provision, numbered paragraph (3), second subparagraph | | | | |
| 277 | Distribution system operators shall also provide clear and transparent information to system users about the status and treatment of their connection requests. They shall provide such information within a period of three months from the submission of the request. | Distribution system operators shall also provide clear and transparent information to system users about the status and treatment of their connection requests <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> | Distribution system operators shall also provide clear and transparent information to system users about the status and treatment of their connection requests. They shall provide such information within a period of three months from the submission of the request.” Directive | Distribution system operators shall also provide clear and transparent information to system users about the status and treatment of their connection requests. They shall provide such information within a period of three months from the submission of the request. <u>Where the requested connection is neither granted nor permanently rejected, distribution system operators shall update that information on a regular basis and, in any event, at least quarterly.</u> |
| Article 2, first paragraph, point (7), amending provision, numbered paragraph (3a) | | | | |
| 277a | | <u>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]</u> | Directive | <u>3a. Distribution system operators shall provide system users the option to request grid connection and submit relevant documents exclusively in digital form.</u> |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|---|--|--|--|---|
| | | <u>and shall submit a proposal for harmonised standards.’;</u> | ” | |
| | Article 2, first paragraph, point (7), amending provision, numbered paragraph (3b) | | | |
| Y | 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>Directive</p> | <p>3b. Member States may decide not to apply paragraph 3 to integrated electricity undertakings which serve less than 100 000 connected customers, or serving small isolated systems. <u>Member States may apply a lower threshold of connected customers.</u></p> <p><u>Member States shall encourage integrated electricity undertakings which serve less than 100 000 connected customers to provide system users with the information described in paragraph 3 on an annual basis and promote cooperation between distribution system operators for this purpose.</u></p> |
| | Article 2, first paragraph, point (7a) | | | |
| | 277c | <u>(7a) in Article 33, paragraph 1 is replaced by the following:</u> | Directive | |
| | Article 2, first paragraph, point (7), amending provision, numbered paragraph (3c) | | | |
| Y | 277d | ” | | Y |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--|---------------------|---|--------------------------------|---|
| | | <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 reinforcement is needed, and one year, if reinforcement is needed, without prejudice to the relevant public consultation and environmental impact assessments where applicable.</u>';</p> <p>¹¹</p> <p><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></p> | <p>Directive</p> <p>PUBLIC</p> | <p><u>3c. Without prejudice to Directive 2014/94/EU, Member States shall provide the necessary regulatory framework to facilitate the connection of publicly accessible and private recharging points with smart charging functionalities and bidirectional charging functionalities in accordance with Article 20a of Directive (EU) 2018/2001 to the distribution networks. Member States shall ensure that distribution system operators cooperate on a non-discriminatory basis with any undertaking that owns, develops, operates or manages recharging points for electric vehicles, including with regard to connection to the grid.</u></p> |

