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Subject: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulations (EU) 2019/943 and (EU) 2019/942 as well as Directives (EU) 2018/2001 and (EU) 2019/944 to improve the Union's electricity market design

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (13.11.2023)

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

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

- the Presidency (**DELETED**; **DELETED**); and
- the Secretariat (**DELETED**).

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

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

**Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
amending Regulations (EU) 2019/943 and (EU) 2019/942 as well as Directives (EU) 2018/2001 and (EU)
2019/944 to improve the Union’s electricity market design (Text with EEA relevance)
2023/0077(COD)**

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

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

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

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		<p><u>hydropower output further amplified the increase in electricity prices.</u></p> <p>1. European Union Agency for the Cooperation of Energy Regulators, ACER's Final Assessment of the EU Wholesale Electricity Market Design, April 2022.</p>		
Recital 2				
12	<p>(2) The escalation of the Russian military aggression against Ukraine, a Contracting Party of the Energy Community, and related international sanctions since February 2022 have disrupted global energy markets, exacerbated the problem of high gas prices, and have had significant knock-on impacts on electricity prices. The Russian invasion of Ukraine has also caused uncertainty on the supply of other commodities, such as hard coal and crude oil, used by power-generating installations. This has resulted in substantial additional increases in the volatility of price levels of electricity.</p>	<p>(2) The escalation of the Russian military aggression against Ukraine, a Contracting Party of the Energy Community, and related international sanctions since February 2022 have disrupted global energy markets, exacerbated the problem of high gas prices, and have had significant knock-on impacts on electricity prices. The <u>unjustified</u> Russian invasion of Ukraine has also caused uncertainty on the supply of other <u>fossil energy</u> commodities, such as hard coal and crude oil, used by power-generating installations. This has resulted in substantial additional increases in the volatility of price levels of electricity.</p>	<p>(2) The escalation of the Russian military aggression against Ukraine, a Contracting Party of the Energy Community, and related international sanctions since February 2022 have disrupted global energy markets, exacerbated the problem of high gas prices, and have had significant knock-on impacts on electricity prices. The Russian invasion of Ukraine has also caused uncertainty on the supply of other commodities, such as hard coal and crude oil, used by power-generating installations. This has resulted in substantial additional increases in the volatility of price levels of electricity.</p>	
Recital 3				

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

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

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	<p>design and announced the intention to assess these areas with a view to change the legislative framework.</p> <p>1. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions - REPowerEU Plan, COM(2022)230.</p> <p>2. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Short-Term Energy Market Interventions and Long Term Improvements to the Electricity Market Design – a course for action, COM(2022) 236 final.</p>	<p>improving the electricity market design and announced the intention to assess these areas with a view to change the legislative framework.</p> <p>1. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions - REPowerEU Plan, COM(2022)230.</p> <p>2. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Short-Term Energy Market Interventions and Long Term Improvements to the Electricity Market Design – a course for action, COM(2022) 236 final.</p>	<p>design and announced the intention to assess these areas with a view to changechanging the legislative framework.</p> <p>1. [1] Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions - REPowerEU Plan, COM(2022)230.</p> <p>2. [2] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Short-Term Energy Market Interventions and Long Term Improvements to the Electricity Market Design – a course for action, COM(2022) 236 final.</p>	
Recital 5				
15	<p>(5) To address urgently the price crisis and security concerns and to tackle the price hikes for citizens, and based on a series of Commission proposals, the Union adopted a strong gas storage regime¹, effective demand reduction measures for gas and electricity², price limiting regimes to avoid windfall profits in both gas and electricity markets³ and measures to accelerate the permit-</p>	<p>(5) To address urgently the price crisis and security concerns and to tackle the price hikes for citizens, and based on a series of Commission proposals, the Union adopted a strong gas storage regime¹, effective demand reduction measures for gas and electricity², price limiting regimes to avoid windfall profits in both gas and electricity markets³ and measures to accelerate the permit-</p>	<p>(5) In order to address urgently the price crisis and security concerns and to tackle the price hikes for citizens, and based on a series of Commission proposals, the Union adopted the Union adopted several legal acts, such as Regulation (EU) 2022/1032 of the European Parliament and of the Council¹ establishing a strong gas storage regime^{1,2}, Council Regulation (EU) 2022/1369³</p>	

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

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			<p>address high energy prices, (OJ L 206, 8.8.2022, p.261. 1)</p> <p>4. [4] Council Regulation (EU) 2022/2577 of 22 December 2022 laying down a framework to accelerate the deployment of renewable energy, OJ L 206 of 6 October 2022 on coordinated demand-reduction measures for gas, OJ L 206 and Council Regulation (EU) 2022/1854 of 6 October 2022 on an emergency intervention to address high energy prices, OJ L 261, 7.10.2022, p. 1)</p> <p>5. [5] Council Regulation (EU) 2022/1854 of 6 October 2022 on an emergency intervention to address high energy prices (OJ L 261, 7.10.2022, p. 1)</p> <p>6. [6] Council Regulation (EU) 2022/1854 of 6 October 2022 on an emergency intervention to address high energy prices, OJ L 261.</p> <p>7. [7] Council Regulation (EU) 2022/2577 of 22 December 2022 laying down a framework to accelerate the deployment of renewable energy (OJ L 335, 29.12.2022, p.36).</p> <p>8. [8] Council Regulation (EU) 2022/2577 of 22 December 2022 laying down a framework to accelerate the deployment of renewable energy, OJ L 335, 29.12.2022.</p>	
Recital 6				
16	(6) A well-integrated market which builds on the Clean Energy for all Europeans Package adopted in 2018 and 2019 ¹ should allow the	(6) A well-integrated market which builds on the Clean Energy for all Europeans Package adopted in 2018 and 2019 ¹ should allow the	(6) A well-integrated energy market which builds on the Clean energy for all Europeans package ¹ adopted in 2018 and 2019 ²	

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	<p>Union to reap the economic benefits of a single energy market in normal market circumstances, ensuring security of supply and sustaining the decarbonisation process. Cross-border interconnectivity also ensures safer, more reliable and efficient operation of the power system.</p> <p>1. Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, OJ L 328, 21.12.2018, p. 1; Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (recast), OJ L 328, 21.12.2018, p. 82; Directive (EU) 2018/2002 of the European Parliament and of the Council of 11 December 2018 amending Directive 2012/27/EU on energy efficiency, OJ L 328, 21.12.2018, p. 210; Regulation (EU) 2019/942 of the European Parliament and of the Council of 5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators (recast), OJ L 158, 14.6.2019, p. 22; Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (recast), OJ L 158, 14.6.2019, p. 54; Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity (recast), OJ L 158, 14.6.2019, p. 125.</p>	<p>Union to reap the economic benefits of a single energy market in normal market<u>all</u> circumstances, <u>including during electricity prices crisis</u>, ensuring security of supply and sustaining the decarbonisation process <u>to achieve the climate neutrality objective</u>. Cross-border interconnectivity also ensures safer, more reliable and efficient operation of the power system, <u>and better resilience to short-term price shocks</u>. <u>To that end, the Commission should consider how to improve monitoring and enforcement of Regulation (EU) 2019/943, including the obligation to make 70 % of interconnector capacity available for cross-border trade. Furthermore, the Commission should consider increasing that obligation, and limiting possible derogations therefrom, in order to make the electricity market fit for an energy system primarily based on renewable energy, which requires more and better interconnection to sustain a high security of supply.</u></p> <p>1. Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action; (OJ</p>	<p>("Clean Energy Package") should allow the Union to reap the economic benefits of a single energy market in normal market circumstances, ensuring security of supply and sustaining the decarbonisation process. Cross-border interconnectivity also ensures a safer, more reliable and efficient operation of the power system.</p> <p>1. [1] Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action; (OJ L 328, 21.12.2018, p. 1); Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (recast); (OJ L 328, 21.12.2018, p. 82); Directive (EU) 2018/2002 of the European Parliament and of the Council of 11 December 2018 amending Directive 2012/27/EU on energy efficiency; (OJ L 328, 21.12.2018, p. 210); Regulation (EU) 2019/942 of the European Parliament and of the Council of 5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators (recast); (OJ L 158, 14.6.2019, p. 22); Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity- (recast); (OJ L 158, 14.6.2019, p. 54); Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common</p>	

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		<p>L 328, 21.12.2018, p. 4 1; Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (recast), OJ L 328, 21.12.2018, p. 82; Directive (EU) 2018/2002 of the European Parliament and of the Council of 11 December 2018 amending Directive 2012/27/EU on energy efficiency; (OJ L 328, 21.12.2018, p. 210); Regulation (EU) 2019/942 of the European Parliament and of the Council of 5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators (recast), OJ L 158, 14.6.2019, p. 22; Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (recast), OJ L 158, 14.6.2019, p. 54; Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity (recast), OJ L 158, 14.6.2019, p. 125.</p>	<p>rules for the internal market for electricity (recast), OJ L 158, 14.6.2019, p. 125). 2. [2] Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, OJ L 328, 21.12.2018, p. 1; Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (recast), OJ L 328, 21.12.2018, p. 82; Directive (EU) 2018/2002 of the European Parliament and of the Council of 11 December 2018 amending Directive 2012/27/EU on energy efficiency, OJ L 328, 21.12.2018, p. 210; Regulation (EU) 2019/942 of the European Parliament and of the Council of 5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators (recast), OJ L 158, 14.6.2019, p. 22; Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (recast), OJ L 158, 14.6.2019, p. 54; Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity (recast), OJ L 158, 14.6.2019, p. 125.</p>	
Recital 6a				
16a		<p><u>(6a) Strengthening the internal energy market and achieving the climate and energy transition</u></p>		Text Origin: EP Mandate

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		<p><i><u>objectives require a substantial upgrade of the Union’s electricity network to be able to host substantial increases of renewable capacity, variability on generation amounts, changing electricity flow patterns across Europe and new demand such as electric vehicles and heat pumps. Investments in grids are crucial to the proper functioning of the internal market, to the integration of renewable energy, to support security of supply and to effectively connect energy supply and demand in a context where those locate further apart, and the deliverance and Union climate and energy targets require efficient resource use within and across borders. Until the end of 2030, the Union will require EUR 584 billion investments to cover the needs of electricity grids alone, both transmission and distribution. The challenge is particularly notable at distribution level, given the growing amount of renewable generation capacity connected to distribution grids, which will connect most new renewable projects, and the developments towards the</u></i></p>		

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		<p><u><i>electrification and smartening of energy demand. A failure to expand, upgrade and smarten the distribution grids accordingly could put at risk delivering on the Union’s renewable targets, delaying the connection to the network of new renewable capacities; could hamper the possibility for consumers to become active players of the energy transition; and ultimately delay the completion of the internal energy market.</i></u></p>		
Recital 6b				
16b		<p><u><i>(6b) An interconnected European electricity network is essential for the European security of supply and competitiveness, as well as for the better achievement of the decarbonisation targets to which the Union has committed itself and to facilitate affordable, safe and sustainable energy. Therefore, any reform of the Union’s electricity market should contribute to a more integrated European electricity network. It is particularly important to ensure that each Member State has in place interconnection capacity of</i></u></p>		

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		<p><u>at least 15 % to allow electricity produced on its territory to be transported across its borders to neighbouring countries. This is particularly important for the Iberian peninsula and for other European regions which need to extend their grid interconnections, but where progress is still slow and challenged by several aspects. Therefore, the Union and Member States should strengthen their cooperation to remove barriers, facilitate financing and accelerate all procedures to ensure that the minimum 15 % electricity interconnection target for 2030 laid down in Article 4, point (d)(1), of Regulation (EU) 2018/1999 is met.</u></p>		
Recital 6c				
16c		<p><u>(6c) Building and upgrading the Union's electricity network and connectivity infrastructure, such as the projects of common European interest as established by the framework concerning the Trans-European Networks for Energy, including through submarine cables, can contribute to connect remote areas and</u></p>		

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		<p><u>islands, thus providing adequate connectivity to all Union citizens. An appropriate investment in revitalising isolated territories, such as islands and rural areas, can bring major opportunities to citizens and undertakings to participate in the energy transition and the digital transformation of the Union. Special consideration should be given to the outermost regions as referred to in Article 349 of the Treaty on the Functioning of the Union (TFEU), which recognises their specific constraints and provides for the adoption of specific measures in their regard.</u></p>		
Recital 7				
17	<p>(7) The current electricity market design has also helped the emergence of new and innovative products, services and measures on retail electricity markets, supporting energy efficiency and renewable energy uptake and enhancing choice so as to help consumers reduce their energy bills also through small-scale generation installations and emerging services for providing demand response.</p>	<p>(7) The current electricity market design has also helped the emergence of new and innovative products, services and measures on retail electricity markets, supporting energy efficiency and renewable energy uptake and enhancing choice so as to help consumers reduce their energy bills also through small-scale generation installations and emerging services for providing demand response.</p>	<p>(7) The current electricity market design has also helped the emergence of new and innovative products, services and measures on retail electricity markets, supporting energy efficiency and renewable energy uptake and enhancing choice so as to help consumers reduce their energy bills also through small-scale generation installations and emerging services for providing demand response.</p>	

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	Building on and seizing the potential of the digitalisation of the energy system, such as active participation by consumers, should be a key element of our future electricity markets and systems. At the same time, there is a need to respect consumer choices and allow consumers to benefit from a variety of contract offers.	Building on and seizing the potential of the digitalisation of the energy system, such as active participation by consumers, should be a key element of our future electricity markets and systems. At the same time, there is a need to respect consumer choices, <u><i>shield household consumers from high prices, manipulation and abuse</i></u> and allow consumers to benefit from a variety of contract offers. <u><i>Energy system integration should be intended as the planning and operation of the energy system as a whole, across multiple energy carriers, infrastructures, and consumption sectors, by creating stronger links between them, in synergy with each other and supported by digitalisation with the objective of delivering affordable, reliable and resource-efficient energy services, at the least possible cost for society.</i></u>	Building on and seizing the potential of the digitalisation of the energy system, such as active participation by consumers, should be a key element of our future electricity markets and systems. At the same time, there is a need to respect consumer choices and allow consumers to benefit from a variety of contract offers.	
Recital 8				
18	(8) In the context of the energy crisis, the current electricity market design has however also revealed a number of important shortcomings linked to the impact of high and	(8) In the context of the energy crisis, the current electricity market design has however also revealed a number of important shortcomings <u><i>and unexpected consequences</i></u>	(8) However , in the context of the energy crisis, the current electricity market design has however also revealed a number of important shortcomings linked to the impact	

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	volatile fossil fuel prices on short-term electricity markets, which expose households and companies to significant price spikes with effects on their electricity bills.	linked to the impact of high and volatile fossil fuel prices on short-term electricity markets, which expose households and companies to significant price spikes with effects on their electricity bills.	of high and volatile fossil fuel prices on short-term electricity markets, which expose households and companies to significant price spikes with effects on their electricity bills.	
Recital 9				
19	(9) A faster deployment of renewable energy and clean flexible technologies constitutes the most sustainable and cost-effective way of structurally reducing the demand for fossil fuels for electricity generation and for direct consumption through electrification and energy system integration. Thanks to their low operational costs, renewable sources can positively impact electricity prices across the Union and reduce direct consumption of fossil fuels.	(9) A faster deployment of renewable-energy and clean flexible technologies constitutes the most sustainable and cost-effective way of structurally reducing the demand for fossil fuels for electricity generation and for direct consumption through electrification and energy system integration. Thanks to their low operational costs, renewable sources can positively impact electricity prices across the Union and reduce <i>direct</i> consumption of fossil fuels.	(9) A faster deployment of renewable-energy and clean flexible technologies constitutes the most sustainable and cost-effective way of structurally reducing the demand for fossil fuels for electricity generation and for direct consumption through electrification and energy system integration. Thanks to their low operational costs, renewable sources can positively impact electricity prices across the Union and reduce direct consumption of fossil fuels.	
Recital 10				
20	(10) The changes to the electricity market design should ensure that the benefits from rising renewable power deployment, and the energy transition as a whole, are brought	(10) The changes to the electricity market design should ensure that the benefits from rising renewable power deployment, and the energy transition as a whole, are brought	(10) The changes to the electricity market design should ensure that the benefits from rising renewable power deployment, and the energy transition as a whole, are brought	

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	to consumers, including the most vulnerable ones, and ultimately, shield them from energy crises and avoid more households falling into energy poverty trap. These should mitigate the impact of high fossil fuel prices, notably that of gas, on electricity prices, aiming to allow households and companies to reap the benefits of affordable and secure energy from sustainable renewable and low carbon sources in the longer term.	to consumers, including the most vulnerable ones, and ultimately, shield them from energy crises and avoid more households falling into energy poverty trap. These should mitigate the impact of high fossil fuel prices, notably that of gas, on electricity prices, aiming to allow households and companies to reap the benefits of affordable and secure energy from sustainable renewable and low carbon sources in the longer term, <u>as well as the role of energy efficient solutions in reducing overall energy costs, which may reduce the need for power grid and generation capacity expansion.</u>	to consumers, including the most vulnerable ones, and ultimately, shield them from energy crises and avoid more households falling into an energy poverty trap. These Those changes should mitigate the impact of high fossil fuel prices, notably that of gas, on electricity prices, aiming to allow households and companies to reap the benefits of affordable and secure energy from sustainable renewable and low carbon sources in the longer term.	
Recital 11				
21	(11) The reform of the electricity market design should benefit not just household consumers but also the competitiveness of the Union's industries by facilitating their possibilities to make the clean tech investments they require to meet their net zero transition paths. The energy transition in the Union needs to be supported by a strong clean technology manufacturing basis. These reforms will support	(11) The reform of the electricity market design should <u>aim to achieve affordable and competitive electricity prices for all consumers. As such, it should</u> benefit not just <u>only</u> household consumers but also the competitiveness of the Union's industries by facilitating their possibilities to make the clean tech investments they require to meet their net zero transition paths. The	(11) The reform of the electricity market design should benefit not just household consumers but also the competitiveness of the Union's industries by facilitating their possibilities to make the clean tech investments they require to meet their net zero transition paths. The energy transition in the Union needs to be supported by a strong clean technology manufacturing basis. These reforms will support	

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	the affordable electrification of industry and the Union’s position as a global leader in terms of research and innovation in clean energy technologies.	energy transition in the Union needs to be supported by a strong clean technology manufacturing basis. These reforms will <u>help industry to secure their access to affordable and continuous supply of clean power and heat and</u> support the affordable electrification of industry, <u>including on-site renewables and high efficiency cogeneration uptake</u> , and the Union’s position as a global leader in terms of research and innovation in clean energy technologies.	the affordable electrification of industry and the Union’s position as a global leader in terms of research and innovation in clean energy technologies.	
Recital 12				
22	(12) Well-functioning and efficient short-term markets are a key tool for the integration of renewable energy and flexibility sources in the market and facilitate energy system integration in a cost-effective manner.	(12) Well-functioning and efficient short-term markets are a key tool for the integration of renewable energy and flexibility sources in the market and facilitate energy system integration in a cost-effective manner.	(12) Well-functioning and efficient short-term markets are a key tool for the integration of renewable energy and flexibility sources in the market and facilitate energy system integration in a cost-effective manner.	
Recital 12a				
22a		<u>(12a) As the Court of Auditors concluded in its Special Report 03/2023, entitled ‘Internal electricity market integration’, the</u>		

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		<p><u><i>internal electricity market was hindered by its regulatory approach and its weak governance framework, leading to delays and an incomplete market surveillance system. Therefore, the Commission should assess the effectiveness of the current structure of the electricity market and the functioning of the short-term market; the development of electricity generation capacity and quality of service delivered to final costumers in each Member State and the suitability of the current Union legal and financing framework on distribution grids to deliver on the Union’s renewable and internal energy market objectives. The Commission should also assess any inefficiencies in the internal electricity market and consider measures on European trading platforms for primary and secondary long-term markets, including measures to create liquidity and transparency, such as requirements for producers and costumers to contract minimum amount of products in public, centralised auctions to provide liquidity.</i></u></p>		

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Recital 13				
23	(13) Intraday markets are particularly important for the integration of variable renewable energy sources in the electricity system at the least cost as they give the possibility to market participants to trade shortages or surplus of electricity closer to the time of delivery. Since variable renewable energy generators are only able to accurately estimate their production close to the delivery time, it is crucial for them to have a maximum of trading opportunities via access to a liquid market as close as possible to the time of delivery of the electricity.	(13) Intraday markets are particularly important for the integration of variable renewable energy sources in the electricity system at the least cost as they give the possibility to market participants to trade shortages or surplus of electricity closer to the time of delivery. Since variable renewable energy generators are only able to accurately estimate their production close to the delivery time, it is crucial for them to have a maximum of trading opportunities via access to a liquid market as close as possible to the time of delivery of the electricity.	(13) Intraday markets are particularly important for the integration of variable renewable energy sources in the electricity system at the least cost as they give the possibility to market participants to trade shortages or surplus of electricity closer to the time of delivery.– Since variable renewable energy generators are only able to accurately estimate their production close to the delivery time, it is crucial for them to have a maximum of trading opportunities via access to a liquid market as close as possible to the time of delivery of the electricity. The gate closure time of the cross zonal intraday market should therefore be shortened and defined closer to real time. In case this change creates security of supply risks, the transmission system operators should have the possibility to request a derogation, based on an impact assessment and subject to regulatory approval, in order to ask for an extension of the implementation timeline. This	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			request should include an action plan with concrete steps towards the implementation of the new intraday gate closure time.	
Recital 14				
24	(14) It is therefore important for the intraday markets to adapt to the participation of variable renewable energy technologies such as solar and wind as well as to the participation of demand side response and storage. The liquidity of the intraday markets should be improved with the sharing of the order books between market operators within a bidding zone, also when the cross-zonal capacities are set to zero or after the gate closure time of the intraday market. Furthermore, the gate closure time of the intraday market should be set closer to the time of delivery to maximize the opportunities for market participants to trade shortages and surplus of electricity and contribute to better integrating variable renewables in the electricity system.	(14) It is therefore important for the intraday markets to adapt to the participation of variable renewable energy technologies such as solar and wind as well as to the participation of demand <i>side</i> response and <u>energy</u> storage. The liquidity of the intraday markets should be improved with the sharing of the order books between market operators within a bidding zone, also when the cross-zonal capacities are set to zero or after the gate closure time of the intraday market. <u>In order to ensure that order books are shared between NEMOs in the day-ahead and intraday timeframes, NEMOs should submit all orders to the single day-ahead and intraday coupling, and should not organize the trading of day-ahead and intraday products, or products with similar characteristics, outside the single day-ahead and intraday coupling. To address the</u>	(14) It is therefore important for the intraday markets to adapt to the participation of variable renewable energy technologies such as solar and wind energy as well as to the participation of demand side response and energy storage. The liquidity of the intraday markets should be improved with the sharing of the order books between market operators within a bidding zone, also when the cross-zonal capacities are set to zero or after the gate closure time of the intraday market. In order to ensure that order books are shared between nominated electricity market operators (NEMOs) in the day-ahead and intraday timeframes, NEMOs should submit all orders to the single day-ahead and intraday coupling and should not organise the trading of day-ahead and intraday products, or products with similar characteristics,	

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		<p><u><i>inherent risk of discrimination in the trading of day-ahead and intraday products inside and outside the single day-ahead and intraday coupling, this obligation should apply to NEMOs and to undertakings which directly or indirectly exercise control or any right over a NEMO.</i></u> Furthermore, the gate closure time of the intraday market should be set closer to the time of delivery to maximize<u>maximise</u> the opportunities for market participants to trade shortages and surplus of electricity and contribute to better integrating variable renewables in the electricity system, <u><i>provided that this measure does not have negative impacts on the security of the national electricity system, cost-efficiency, greenhouse gas emissions and facilitates the integration of renewable energy.</i></u></p>	<p>outside the single day-ahead and intraday coupling. To address the inherent risk of discrimination in the trading of day-ahead and intraday products inside and outside the single day-ahead and intraday coupling, and the consequent draining of liquidity in the Union’s coupled electricity markets, this obligation should apply to NEMOs, to undertakings which directly or indirectly exercise control or any right over a NEMO and to undertakings that are directly or indirectly controlled by a NEMO. Furthermore, the gate closure time of the intraday market should be set closer to the time of delivery to maximize the opportunities for market participants to trade shortages and surplus of electricity and contribute to better integrating variable renewables in the electricity system.</p>	
Recital 15				
25	(15) In addition, the short-term electricity markets should ensure that small-scale flexibility service providers can participate by	(15) In addition, the short-term electricity markets should ensure that small-scale flexibility service providers can participate by	(15) In addition, the short-term electricity markets should ensure that small-scale flexibility service providers can participate by	

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	lowering the minimum bid size.	lowering the minimum bid size.	lowering the minimum bid size.	
Recital 16				
26	<p>(16) To ensure the efficient integration of electricity generated from variable renewable energy sources and to reduce the need for fossil-fuel based electricity generation in times when there is high demand for electricity combined with low levels of electricity generation from variable renewable energy sources, it should be possible for transmission system operators to design a peak shaving product enabling demand response to contribute to decreasing peaks of consumption in the electricity system at specific hours of the day. The peak shaving product should contribute to maximize the integration of electricity produced from renewable sources into the system by shifting the electricity consumption to moments of the day with higher renewable electricity generation. As the peak shaving product aims to reduce and shift the electricity consumption, the scope of this product should be limited to demand side response.</p>	<p>(16) To ensure<u>Ensuring</u> the efficient integration of electricity generated from variable renewable energy sources and to reduce<u>reducing</u> the need for fossil-fuel based electricity generation in times when there is high demand for electricity combined with low levels of electricity generation from variable renewable energy sources, is an objective of the Union, the urgent need for which has been demonstrated in this crisis. <u>Building on lessons learned, ACER should be possible for transmission perform an assessment about the possibility for</u> system operators to design<u>procure</u> a peak shaving product enabling demand response to contribute to decreasing peaks of consumption in the electricity system at specific <u>in order to achieve a reduction of electricity demand and price during peak hours of the day. The peak shaving product. The assessment</u> should contribute to maximize the integration of electricity produced</p>	<p>(16) To ensure the efficient integration of electricity generated from variable renewable energy sources and to reduce the need for fossil-fuel based electricity generation in times when there is high demand for electricity combined with low levels<u>situations</u> of electricity generation from variable renewable energy sources price crisis, it should be possible for transmission system operators to design a peak shaving product enabling additional demand response in order to contribute to decreasing peaks of consumption in the electricity system at specific hours of the day. As such the peak shaving product should, in addition to contributing to lowering wholesale contribute to maximize the integration of electricity produced from renewable sources into the system by shifting the electricity consumption to moments of the day with higher renewable electricity generation<u>prices,</u></p>	

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	<p>The procurement of the peak shaving product should take place in such a way that it does not overlap with the activation of balancing products which aim at maintaining the frequency of the electricity system stable. In order to verify volumes of activated demand reduction, the transmission system operator should use a baseline reflecting the expected electricity consumption without the activation of the peak shaving product.</p>	<p>from renewable sources into the system by shifting the electricity consumption to moments <u>take into consideration the need for peak shaving products not to distort the functioning</u> of the day with higher renewable electricity generation. As the peak shaving product aims to reduce and shift the electricity consumption, the scope of this product should be limited to <u>markets and not to cause a redirection of</u> demand side response. The procurement of the services towards peak shaving product should take place in such a way that it does not overlap with the activation of balancing products which aim at maintaining the frequency of the products. <u>The assessment should also take into consideration specific national developments and consider the possibility of procuring those products under normal circumstances and during</u> electricity system stable. In order to verify volumes of activated demand reduction, the transmission system operator should use a baseline reflecting the expected electricity consumption without the activation of the <u>price</u></p>	<p>contribute to security of supply during an electricity price crisis. As the peak shaving product aims to reduce and shift the electricity consumption, the scope of this product should be limited to demand-side response. As the peak shaving product is intended to be applied only in limited situations of electricity price crisis, its The procurement may take place up to one week ahead of releasing additional demand response capacities. Transmission system operators should be able to activate of the peak shaving product should take place in such a way that it does not overlap with the activation of balancing products which aim at maintaining the frequency based on the forecast of the demand. Alternatively, it should be possible for the peak shaving product to be activated automatically within the day-ahead market, based on the energy price committed during the procurement of the electricity system stable demand reduction capacity. In order to verify volumes of activated demand reduction, the transmission system</p>	

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		<i><u>crisis. In light of the assessment, the Commission should, where appropriate, submit a legislative proposal to amend Regulation (EU) 2019/943 in order to introduce peak shaving product products outside electricity price crisis situations.</u></i>	operator should use a baseline reflecting the expected electricity consumption without the activation of the peak shaving product.	
Recital 17				
27	(17) In order to be able to actively participate in the electricity markets and to provide their flexibility, consumers are progressively equipped with smart metering systems. However, in a number of Member States the roll-out of smart metering systems is still slow. In those instances where smart metering systems are not yet installed and in instances where smart metering systems do not provide for the sufficient level of data granularity, transmission and distribution system operators should be able to use data from dedicated metering devices for the observability and settlement of flexibility services such as demand response and energy storage. Enabling the use of data from dedicated metering devices for	(17) In order to be able to actively participate in the electricity markets and to provide their flexibility, consumers are progressively equipped with smart metering systems. However, in a number of Member States the roll-out of smart metering systems is still slow <i><u>so it is imperative that Member States improve the conditions for the installation of smart metering systems, with the objective of reaching a full coverage as soon as possible. However, consumers should have the right to use or request the use of a dedicated measurement device, so that they can engage with their flexible loads in demand response, independently from being already equipped with a smart metering system. In</u></i>	(17) In order to be able to actively participate in the electricity markets and to provide their flexibility, consumers are progressively equipped with smart metering systems. However, in a number of Member States the roll-out of smart metering systems is still slow. In those instances where smart metering systems are not yet installed and in instances where smart metering systems do not provide for the sufficient level of data granularity, transmission and distribution system operators should be able to use data from dedicated metering measurement devices for the observability and settlement of flexibility services such as demand response and energy storage. Enabling the use of data from dedicated	

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	<p>observability and settlement should facilitate the active participation of the consumers in the market and the development of their demand response. The use of data from these dedicated metering devices should be accompanied by quality requirements relating to the data.</p>	<p><u>addition to the use of data from smart metering systems</u>, –in those instances where smart metering systems are not yet installed and in instances where smart metering systems do not provide for the sufficient level of data granularity, transmission and distribution system operators, <u>upon customer consent</u>, should be able to use data from dedicated <u>metering measurement</u> devices for the observability and settlement of flexibility services such as demand response and energy storage. Enabling the use of data from dedicated <u>metering measurement</u> devices for observability and settlement should facilitate the active participation of the consumers in the market and the development of their demand response. The use of data from these dedicated <u>metering measurement</u> devices should be accompanied by quality requirements relating to the data.</p>	<p>meteringmeasurement devices for observability and settlement should facilitate the active participation of the consumers in the market and the development of their demand response. The use of data from these dedicated meteringmeasurement devices should be accompanied by quality requirements relating to the data.</p>	
Recital 18				
28	(18) This Regulation establishes a legal basis for processing of personal data in compliance with	(18) This Regulation establishes a legal basis for processing of personal data in compliance with	(18) This Regulation establishes a legal basis for the processing of personal data in compliance with	

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	Article 6(1)(c) GDPR. Member States should ensure that all personal data protection principles and obligations laid down in the GDPR are met, including on data minimisation. Where the objective of this Directive can be achieved without processing of personal data, providers should rely on anonymised and aggregated data.	Article 6(1)(c) GDPR. Member States should ensure that all personal data protection principles and obligations laid down in the GDPR are met, including on data minimisation. Where the objective of this Directive can be achieved without processing of personal data, providers should rely on anonymised and aggregated data.	Article 6(1)(c) GDPR accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council¹ . Member States should ensure that all personal data protection principles and obligations laid down in the GDPR Regulation (EU) 2016/679 are met, including on data minimisation. Where the objective of this Directive can be achieved without processing of personal data, providers data controllers should rely on anonymised and aggregated data. ¹ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).	
Recital 19				
29	(19) Consumers and suppliers need effective and efficient forward markets to cover their long-term price exposure and decrease the dependence on short-term prices. To ensure that energy	(19) Consumers and suppliers need effective and efficient forward markets to cover their long-term price exposure and decrease the dependence on short-term prices. To ensure that energy	(19) Consumers and suppliers need effective and efficient forward markets to cover their long-term price exposure and decrease the dependence on short-term prices. To ensure that energy	

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	<p>customers all over the EU can fully benefit from the advantages of integrated electricity markets and competition across the Union, the functioning of the Union's electricity forward market should be improved via the establishment of regional virtual hubs with a view to overcome the existing market fragmentation and the low liquidity experienced in many bidding zones. Regional virtual hubs should cover multiple bidding zones while ensuring an adequate price correlation. Some bidding zones may not be covered by a virtual hub in terms of contributing to the hub reference price. However, market participants from these bidding zones should still be able to hedge through a hub.</p>	<p>customers all over the EU<u>Union</u> can fully benefit from the advantages of integrated electricity markets and competition across the Union, the functioning of the Union's electricity forward market should be improved via the establishment of regional virtual hubs with a view<u>assessment and implementation of possible feasible solutions in a reasonable period within the current market set-up, with the aim</u> to overcome the existing market fragmentation and the low liquidity experienced in many bidding zones. Regional virtual hubs should cover multiple bidding zones while ensuring an adequate price correlation. Some bidding zones may not be covered by a<u>Those improvements could for instance be more frequent auctions or other maturities to be considered and would require a proper assessment. At the same time, an assessment on the impact of the establishment of regional virtual hub in terms of contributing to the hub reference price. However, market participants from these hubs for the forward market on the functioning of the electricity markets should be</u></p>	<p>customers all over the EU<u>Union are able to</u> fully benefit from the advantages of integrated electricity markets and competition across the Union, the functioning of the Union's electricity forward market should be improved via the establishment of regional virtual hubs with a view to overcome the existing market fragmentation and the low liquidity experienced in many bidding zones. Regional virtual hubs should cover multiple bidding zones while ensuring an adequate price correlation. Some bidding zones may not be covered by a regional virtual hub in terms of contributing to the hub reference price. However, market participants from these bidding zones should still be able to hedge through a hub.</p>	

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		<p><u>carried out by the Commission, including on the virtual hubs' geographical scope as non-physical regions covering more than one bidding zones should still be able to hedge through a hubzone and the methodology for the calculation of the reference prices for the regional virtual hubs.</u></p>		
Recital 19a				
29a			<p>(19a) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to set out detailed rules on the design of the Union's electricity forward market as regards the establishment of regional virtual hubs. To ensure synergies with the existing regulatory framework, the conferral of implementing powers in Article 59 of Regulation (EU) 2019/943 of the European Parliament and of the Council ¹ should be extended to cover also the aspects necessary for the establishment of virtual hubs.</p>	

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			<p>Before exercising those implementing powers , the Commission should carry out an impact assessment. Where relevant, the impact assessment and implementing act should reflect the implementation of pre-existing intergovernmental agreements related to cross-border joint ownership of power plants. The implementing powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council."</p> <p>1. Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (OJ L 158, 14.6.2019, p. 54).</p>	
Recital 20				
30	(20) Virtual hubs should reflect the aggregated price of multiple bidding zones and provide a reference price, which should be used by market operators to offer forward hedging products. To that extent, virtual hubs should not be understood as entities arranging or executing transactions. The	<i>deleted</i>	(20) Virtual hubs should reflect the aggregated price of multiple bidding zones and provide a reference price, which should be used by market operators to offer forward hedging products. To that extent, virtual hubs should not be understood as entities arranging or executing transactions. The	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	regional virtual hubs, by providing a reference price index, should enable the pooling of liquidity and provide better hedging opportunities to market participants.		regional virtual hubs, by providing a reference price index, should enable the pooling of liquidity and provide better hedging opportunities to market participants.	
Recital 21				
31	(21) To enhance the possibilities of market participants for hedging, the role of the single allocation platform established in accordance with Commission Regulation (EU) 2016/1719 should be expanded. The single allocation platform should offer trading of financial long-term transmission rights between the different bidding zones and the regional virtual hubs. The orders submitted by market participants for financial transmission rights shall be matched by a simultaneous allocation of long term cross zonal capacity. Such matching and allocation should be performed on a regular basis, to ensure enough liquidity and, hence, efficient hedging possibilities to market participants. The long-term transmission rights should be issued with frequent maturities	(21) To enhance the possibilities of market participants for hedging, the role of the single allocation platform established in accordance with Commission Regulation (EU) 2016/1719 should be expanded. The single allocation platform should offer <u>act as an entity offering allocation and facilitating</u> trading of financial long-term transmission rights <u>on behalf of the transmission system operators</u> between the different bidding zones and, <u>where relevant</u> , the regional virtual hubs. The orders submitted by market participants for financial transmission rights shall <u>should</u> be matched by a simultaneous allocation of long term cross zonal capacity. Such matching and allocation should be performed <u>in accordance with Commission Regulation (EU) 2016/1719 and</u> on a regular <u>and</u>	(21) To enhance the possibilities of market participants for hedging, the role of the single allocation platform established in accordance with Commission Regulation (EU) 2016/1719 ¹ should be expanded. The single allocation platform should offer trading of financial long-term transmission rights between the different bidding zones and the regional virtual hubs. The orders submitted by market participants for financial transmission rights shall <u>should</u> be matched by a simultaneous allocation of long term cross zonal capacity. Such matching and allocation should be performed on a regular basis, to ensure enough liquidity and, hence, efficient hedging possibilities to market participants. The long-term transmission rights should be issued with frequent maturities,	

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	(ranging from month ahead to at least three years ahead), in order to be aligned with the typical hedging time horizon of market participants. The single allocation platform should be subject to monitoring and enforcement to ensure that it performs its tasks properly.	<u>more frequent</u> basis, to ensure enough liquidity and, hence, efficient hedging possibilities to market participants. The long-term transmission rights should be issued with frequency <u>different</u> maturities (ranging from month ahead to at least three years ahead), in order to be aligned with the typical hedging time horizon of market participants. The single allocation platform should be subject to monitoring and enforcement to ensure that it performs its tasks properly.	(ranging from month ahead to at least three years ahead), in order to be aligned with the typical hedging time horizon of market participants. The single allocation platform should be subject to monitoring and enforcement to ensure that it performs its tasks properly. 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).	
Recital 22				
32	(22) Network tariffs should incentivise transmission and distribution system operators to use flexibility services through further developing innovative solutions to optimise the existing grid and to procure flexibility services, in particular demand response or storage. For this purpose, network tariffs should be designed so as to take into account the operational and capital expenditures of system operators or an efficient combination of both so that they can operate the electricity system	(22) Network tariffs should incentivise transmission and distribution system operators to use flexibility services through further developing innovative solutions to optimise the existing grid and to procure flexibility services, in particular demand response or storage. For this purpose, network tariffs should be designed so as to take into account the operational and capital expenditures of system operators or an efficient combination of both so that they can operate the electricity system	(22) Network tariffs should incentivise transmission and distribution system operators to use flexibility services through further developing innovative solutions to optimise the existing grid and to procure flexibility services, in particular demand response or storage. For this purpose, network tariffs should be designed so as to take into account the operational and capital expenditures of system operators or an efficient combination of both so that they can operate the electricity system	

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	cost-efficiently. This would further contribute to integrating renewables at the least cost for the electricity system and enable final customers to value their flexibility solutions.	cost-efficiently. This would further contribute to integrating renewables at the least cost for the electricity system and enable final customers to value their flexibility solutions.	cost-efficiently. The requirement for cost-reflectiveness should not restrict the opportunity to redistribute costs efficiently in cases where locational- or time-variant network charges are applied. This would further contribute to integrating renewables at the least cost for the electricity system and enable final customers to value their flexibility solutions.	
Recital 22a				
32a		<u><i>(22a) The energy transition requires a rapid acceleration in the deployment of renewables, onshore and offshore, and electrified demand promoting sector coupling. Such a prompt ramp-up of installations, together with the inherent complexities of managing an electricity system with variable and distributed resources, is posing substantial challenges to the grids. In general, the transmission grid will incorporate large amounts of onshore and offshore renewable capacities and transmit the electricity to demand areas, further interconnect Member</i></u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>States and enable flows from distributed renewables to other demand areas. The distribution grid will incorporate most new onshore renewable capacities and electrified and smart household demand. Regulatory authorities will play a central role in ensuring that sufficient investment is provided for the necessary grid development, expansion and reinforcement. Regulatory authorities should promote the use of anticipatory investments, encouraging the acceleration of grid development to meet the accelerated deployment of renewable generation and smart electrified demand, such as electric vehicles, charging infrastructure and heat pumps deployment, where applicable, while taking careful consideration of the electricity network needs reflected in national or local development plans for energy, electric transport and heating sectors. This may be the case in particular for designated renewables acceleration areas where anticipatory investments will be instrumental in ensuring that grids become enablers and</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>not bottlenecks. Network tariffs should be designed to provide the right incentives to system operators by combining a timely recognition of traditional investments in physical networks and adequate returns, with a flexible reflection of operational cost. Any obstacle in national regulation to the necessary and efficient investments should be abolished.</i></u>		
Recital 23				
33	(23) Offshore renewable energy sources, such as offshore wind, ocean energy and floating photovoltaic, will play an instrumental role in building a power system largely based on renewables and in ensuring climate neutrality by 2050. There are, however, substantial obstacles to their wider and efficient deployment preventing the massive scale up needed to achieve those objectives. Similar obstacles could arise for other offshore technologies in the future. These obstacles include investment risks associated with the unique topographical situation of offshore	(23) Offshore renewable energy sources, such as offshore wind, ocean energy and floating photovoltaic, will play an instrumental role in building a power system largely based on renewables and in ensuring climate neutrality by 2050. There are, however, substantial obstacles to their wider and efficient deployment preventing the massive scale up needed to achieve those objectives. Similar obstacles could arise for other offshore technologies in the future. <i>These obstacles include investment risks associated with the unique topographical situation of</i> <u><i>In order</i></u>	(23) Offshore renewable energy sources, such as offshore wind, ocean energy and floating photovoltaic, will play an instrumental role in building a power system largely based on renewables and in ensuring climate neutrality by 2050. There are, however, substantial obstacles to their wider and efficient deployment preventing the massive scale up needed to achieve those objectives. Similar obstacles could arise for other offshore technologies in the future. These obstacles include investment risks associated with the unique topographical situation of offshore	

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	<p>hybrid projects connected to more than one market. In order to reduce investment risk for these offshore project developers and to ensure that the projects in an offshore bidding zone have full market access to the surrounding markets, transmission system operators should guarantee access of the offshore project to the capacity of the respective hybrid interconnector for all market time units. If the available transmission capacities are reduced to the extent that the full amount of electricity generation that the offshore project would have otherwise been able to export cannot be delivered to the market, the transmission system operator or operators responsible for the need to limit the capacity should, in future, be enabled to compensate the offshore project operator commensurately using congestion income. This compensation should only be related to the production capability available to the market, which may be weather dependent and excludes the outage and maintenance operations of the offshore project. The details, including the conditions under which the</p>	<p><u>to reduce investment risk for these offshore hybrid projects connected to more than one market. In order to reduce investment risk for these offshore project developers and project developers,</u> <u>instruments such as power purchase agreements or two-way contracts for differences may be issued.</u> To ensure that the projects in an offshore bidding zone have full market access to the surrounding markets, transmission system operators should guarantee access of the offshore project to the capacity of the respective hybrid interconnector for all market time units. If the available transmission capacities <u>agreed in the connection agreement or in a critical network element</u> are reduced to the extent that the full amount of electricity generation that the offshore project would have otherwise been able to export cannot be delivered to the market, <u>and subject to a coordinated decision of the Member States concerned,</u> the transmission system operator or operators responsible for the need to limit the capacity should, in future, be enabled to <u>partly</u> compensate the</p>	<p>hybrid projects connected to more than one market in an offshore bidding zone. It is important to address these obstacles in a timely and efficient manner. In order to reduce investment risk for these offshore project developers and to ensure that the projects in an offshore bidding zone have full market access to the surrounding markets, transmission system operators should guarantee access of the offshore projectprojects in an offshore bidding zone to the capacity of the respective hybrid interconnector for all market time units, up to the capacity agreed in the connection agreement and thus excluding potentially overplanted capacity. If the available transmission capacities are reduced to the extent that the full amount of electricity generation that the offshore project would have otherwise been able to export cannot be delivered to the market, the transmission system operator or operators responsible for the need to limit the capacity should, in future, be enabled to compensate the offshore project operator commensurately using congestion income. This</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>measure may expire, are intended to be defined in an implementing Regulation.</p>	<p>offshore project operator commensurately by using <u>the excess congestion income earned additionally on the interconnector due to the capacity restriction</u>. This compensation should only be related to the production capability available to the market, which may be weather dependent and excludes the outage and maintenance operations of the offshore project. <u>Such compensation cannot be considered to cover all risks that the offshore generator will face but only those associated with the unique topographical situation of offshore hybrid projects connected to more than one market.</u> The details, including the conditions under which the measure may expire, are intended to <u>as well as a methodology for the calculation of such compensation should</u> be defined in an implementing Regulation <u>act</u>.</p>	<p>compensation should balance the reduced revenues of offshore renewable electricity generation plant operators due to such reduction of access to interconnected markets and should only be related to the production capability available to the market, which may be weather dependent and excludes the outage and maintenance operations of the offshore project. The compensation in case of lack of access to the transmission network should not be interpreted as constituting priority dispatch. Moreover, there should never be double-compensation for the same risk covered under this provision, for example if the risk is already covered under a contract for difference, or another relevant support scheme. The details, including the conditions under which the measure may expire, such as the existence of enough demand within the offshore bidding zone or direct access to a sufficient number of markets for the risk to disappear, as well as addressing obstacles, are intended to be defined in an implementing</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			act including where relevant through amendments to Commission Regulation (EU) 2015/1222.	
Recital 24				
34	(24) In the day-ahead wholesale market, the power plants with lower marginal costs are dispatched first, but the price received by all market participants is set by the last plant needed to cover the demand, which is the plant with the highest marginal costs, when the markets clear. In this context, the energy crisis has shown that a surge in the price of gas and hard coal can translate into exceptional and lasting increases of the prices at which the gas and coal-fired generation facilities bid in the day-ahead wholesale market. That in turn has led to exceptionally high prices in the day-ahead market across the Union, as gas and coal-fired generation facilities are often the plants with the highest marginal costs needed to meet the demand for electricity.	(24) In the day-ahead wholesale market, the power plants with lower marginal costs are dispatched first, but the price received by all market participants is set by the last plant needed to cover the demand, which is the plant with the highest marginal costs, when the markets clear. In this context, the energy crisis has shown that a surge in the price of gas and hard coal can translate into exceptional and lasting increases of the prices at which the gas and coal-fired generation facilities bid in the day-ahead wholesale market. That in turn has led to exceptionally high prices in the day-ahead market across the Union, as gas and coal-fired generation facilities are often the plants with the highest marginal costs needed to meet the demand for electricity.	(24) In the day-ahead wholesale market, the power plants with lower marginal costs are dispatched first, but the price received by all market participants is set by the last plant needed to cover the demand, which is the plant with the highest marginal costs, when the markets clear. In this context, the energy crisis has shown that a surge in the price of gas and hard coal can translate into exceptional and lasting increases of the prices at which the gas and coal-fired generation facilities bid in the day-ahead wholesale market. That in turn has led to exceptionally high prices in the day-ahead market across the Union, as gas and coal-fired generation facilities are often the plants with the highest marginal costs needed to meet the demand for electricity.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 25				
35	(25) Given the role of the price in the day-ahead market as a reference for the price in other wholesale electricity markets, and the fact that all market participants receive the clearing price, the technologies with significantly lower marginal costs have consistently recorded high revenues.	(25) Given the role of the price in the day-ahead market as a reference for the price in other wholesale electricity markets, and the fact that all market participants receive the clearing price, the technologies with significantly lower marginal costs have consistently recorded high revenues.	(25) Given the role of the price in the day-ahead market as a reference for the price in other wholesale electricity markets, and the fact that all market participants receive the clearing price, the technologies with significantly lower marginal costs have consistently recorded high revenues.	
Recital 25a				
35a		<u><i>(25a) The reform of the electricity market design should protect all consumers, households, small and medium-sized enterprises and industry from high price shocks. Therefore, on the basis of the lessons learned, the Commission should also assess options for the introduction of a temporary relief valve mechanism in view of the experience with those mechanisms at international level and of the evolution and new developments in the Union electricity market.</i></u>		
Recital 26				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
36	(26) To reach the Union’s decarbonisation targets and the objectives set out in REPowerEU to become more energy independent, the Union needs to accelerate the deployment of renewables at a much faster pace. In view of the investment needs required to achieve these goals, the market should ensure that a long-term price signal is established.	(26) To reach the Union’s decarbonisation targets and the objectives set out in REPowerEU to become more energy independent, the Union needs to accelerate the deployment of renewables at a much faster pace. In view of the investment needs required to achieve these goals, the market should ensure that a long-term price signal is established.	(26) To reach the Union’s decarbonisation targets and the objectives set out in REPowerEU to become more energy independent, the Union needs to accelerate the deployment of renewables at a much faster pace. In view of the investment needs required to achieve these goals, the market should ensure that a long-term price signal is established.	
Recital 27				
37	(27) In this framework, Member States should strive to create the right market conditions for long-term market-based instruments, such as power purchase agreements (‘PPAs’). PPAs are bilateral purchase agreements between producers and buyers of electricity. They provide long-term price stability for the customer and the necessary certainty for the producer to take the investment decision. Nevertheless, only a handful of Member States have active PPA markets and buyers are typically limited to large companies, not least because PPAs face a set of barriers, in particular	(27) In this framework, Member States should strive to create the right market conditions for long-term market-based instruments, such as power purchase agreements (‘PPAs’). PPAs are bilateral purchase agreements between producers and buyers of electricity. They provide long-term price stability for the customer and the necessary certainty for the producer to take the investment decision. Nevertheless, only a handful of Member States have active PPA markets and buyers are typically limited to large companies, not least because PPAs face a set of barriers, in particular	(27) In this framework, Member States should strive to create the right market conditions for long-term market-based instruments, such as power purchase agreements (‘PPAs’). PPAs are bilateral purchase agreements between producers and buyers of electricity. They provide long-term price stability for the customer and the necessary certainty for the producer to take the investment decision. Nevertheless, only a handful of Member States have active PPA markets and buyers are typically limited to large companies, not least because PPAs face a set of barriers, in particular	

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	<p>the difficulty to cover the risk of payment default from the buyer in these long-term agreements. Member States should take into consideration the need to create a dynamic PPA market when setting the policies to achieve the energy decarbonisation objectives set out in their integrated national energy and climate plans.</p>	<p>the difficulty to cover the risk of payment default from the buyer in these long-term agreements. Member States should take into consideration the need to create a dynamic PPA market when setting the policies to achieve the energy decarbonisation objectives set out in their integrated national energy and climate plans. <u>Regulatory unpredictability, instability and retroactivity would undermine the ability of PPAs to contribute to the clean energy transition and energy independence.</u></p>	<p>the difficulty to cover the risk of payment default from the buyer in these long-term agreements. Member States should take into consideration the need to create a dynamic PPA market when setting the policies to achieve the energy decarbonisation objectives set out in their integrated national energy and climate plans.</p>	
Recital 28				
38	<p>(28) According to Article 15(8) of Directive (EU) 2018/2001 of the European Parliament and of the Council, Member States are to assess the regulatory and administrative barriers to long-term renewables PPAs, and shall remove unjustified barriers to, and promote the uptake of, such agreements. In addition, Member States are to describe policies and measures facilitating the uptake of renewables PPAs in their integrated national energy and climate plans. Without prejudice</p>	<p>(28) According to Article 15(8) of Directive (EU) 2018/2001 of the European Parliament and of the Council, Member States are to assess the regulatory and administrative barriers to long-term renewables PPAs, and shall remove unjustified barriers to, and promote the uptake of, such agreements. In addition, Member States are to describe policies and measures facilitating the uptake of renewables PPAs in their integrated national energy and climate plans. Without prejudice</p>	<p>(28) According to Article 15(8) of In accordance with Directive (EU) 2018/2001 of the European Parliament and of the Council¹, Member States are to assess the regulatory and administrative barriers to long-term renewables PPAs, and shall to remove unjustified barriers to, and promote the uptake of, such agreements. In addition, Member States are to describe policies and measures facilitating the uptake of renewables PPAs in their integrated national energy and</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>to that obligation to report on the regulatory context affecting the PPA market, Member States should ensure that instruments to reduce the financial risks associated to the buyer defaulting on its long-term payment obligations in the framework of PPAs are accessible to companies that face entry barriers to the PPA market and are not in financial difficulty in line with Articles 107 and 108 TFEU. Member States could decide to set up a guarantee scheme at market prices. Member States should include provisions to avoid lowering the liquidity in the electricity markets, such as by using financial PPAs. Member States should not provide support to PPAs that purchase generation from fossil fuels. While the default approach should be non-discrimination between consumers, Member States could decide to target these instruments to specific categories of consumers, applying objective and non-discriminatory criteria. In this framework, Member States should take into account the potential role of instruments provided at Union level, for instance by the European</p>	<p>to that obligation to report on the regulatory context affecting the PPA market, Member States should ensure that instruments to reduce the financial risks associated to the buyer defaulting on its long-term payment obligations in the framework of PPAs are accessible to companies that face entry barriers to the PPA market and are not in financial difficulty in line with Articles 107 and 108 TFEU. Member States could decide to set up a guarantee scheme at market prices. Member States <u>may put in place such instruments to make hedging products in the forward market accessible to customers that face entry barriers to the forward market.</u> Member States should include provisions to avoid lowering the liquidity in the electricity markets, such as by using financial PPAs. Member States should not provide support to PPAs that purchase generation from fossil fuels. While the default approach should be non-discrimination between consumers, Member States could decide to target these instruments to specific categories of consumers, applying</p>	<p>climate plans.– Without prejudice to that obligation to report on the regulatory context affecting the PPA market, Member States should ensure that instruments to reduce the financial risks associated to the buyer defaulting on its long-term payment obligations in the framework of PPAs are accessible to companies that face entry barriers to the PPA market and are not in financial difficulty in line with Articles 107 and 108 TFEU. Member States could decide to set up a guarantee scheme at market prices if private guarantees are not accessible or insufficiently accessible. In that case, –Member States should include provisions to avoid lowering the liquidity in the electricity markets, such as by using financial PPAs. Member States could decide to facilitate the aggregation of demand for PPAs from customers that individually face barriers to entry to the PPA market, but collectively may provide an attractive offer for PPAs to producers. Member States should not provide support to PPAs that purchase generation from fossil</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Investment Bank ('EIB').	<p>objective and non-discriminatory criteria. <u>However, where a Member State determines that there are sufficiently developed markets for PPAs to allow effective competition, public guarantee schemes should only support the purchase of new renewable generation.</u> In this framework, <u>and in light of the increased Union renewable energy target and the urgent need to significantly accelerate the current pace of deployment of renewables,</u> Member States should take into account the potential role of instruments provided at Union level, for instance by the European Investment Bank ('EIB') <u>or other Union-level facilities. Moreover, the Commission should take additional measures to achieve the renewables target which could include instruments at Union level such as European wide auctions, in particular of additional Union backed guarantees for PPAs and contracts for differences, to support the deployment of additional renewable energy capacities corresponding to at least the additional 2,5 % to achieve the Union target of 45 %.</u></p>	<p>fuels. While the default approach should be non-discrimination between consumers, Member States could decide to target these instruments to specific categories of consumers, applying objective and non-discriminatory criteria. In this framework, Member States should take into account the potential role of instruments facilities provided at Union level, for instance by the European Investment Bank ('EIB').</p> <p><u>1. Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ L 328, 21.12.2018, p. 82).</u></p>	

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

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Recital 29a				
39a		<p><u><i>(29a) To gain a better knowledge of the evolution of a growing market, such as the PPA market, new tools are needed. Therefore, a database at Union level should be established to facilitate the collection of relevant information on the PPAs concluded in the Union. That database should function as a digital platform and should be used to facilitate ACER's and regulatory authorities' monitoring of relevant information on the PPAs signed in the Union. Market participants who have reported records of PPAs should not be subject to double reporting obligations relating to those contracts.</i></u></p>		
Recital 29a				
39b			<p>(29a) Member States should pay particular attention to cross-border PPAs and remove unjustified barriers specifically related to them, allowing consumers in Member States</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			with limited capacity to access power generated in other regions without discrimination.	
Recital 30				
40	(30) Where Member States decide to support publicly financed new investments (“direct price support schemes”) in low carbon, non-fossil fuel electricity generation to achieve the Union’s decarbonisation objectives, those schemes should be structured by way of two-way contracts for difference such as to include, in addition to a revenue guarantee, an upward limitation of the market revenues of the generation assets concerned. New investments for the generation of electricity should include investments in new power generating facilities, investments aimed at repowering existing power generating facilities, investments aimed at extending existing power generating facilities or at prolonging their lifetime.	(30) Where Member States decide to support publicly financed new investments ("direct price support schemes") in low carbon, non-fossil fuel electricity generation to achieve the Union’s decarbonisation objectives, those schemes should be structured by way of two-way contracts for difference <u>or equivalent schemes achieving the same goals</u> such as to include, in addition to a revenue guarantee, an upward limitation of the market revenues of the generation assets concerned. <u>Such schemes should be allocated through a voluntary, competitive, open, transparent, non-discriminatory, and cost-effective procedure, in accordance with State aid rules, preventing undue distortions to the efficient functioning of the electricity markets.</u> New investments for the generation of electricity should include investments in new power generating facilities, investments	(30) Where Member States decide to support publicly financed new investments (by "direct price support schemes") in new low carbon, non-fossil fuel electricity generation generation-facilities to achieve the Union’s decarbonisation objectives, those schemes should be structured by way of two-way contracts for difference such as to include, in addition to a revenue guarantee, an upward limitation of the market revenues of the generation assets concerned. New investments for the generation of electricity Whereas the obligation pursuant to this Regulation should include only apply to support for investments in new power generating facilities, investments aimed at repowering existing power generating facilities, Member States may decide to grant support schemes in the form of two-way contracts for difference also for new	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p>aimed at repowering <u>aiming to repower existing power-generating facilities, or extending existing power-generating facilities if the increase of power generating facilities, generation capacity is substantial. However, in the case of investments aimed at extending aiming to extend existing power-generating facilities or at prolonging their lifetime <u>power-generating facilities, two-way contract for differences should be strictly limited to the share of the total power-generation capacity that reflects the costs of the new investment in relation to the total investment costs of the power-generating facility.</u></u></p>	<p>investments aimed at extending substantially repowering existing power generating generation facilities, or at substantially increasing their capacity or prolonging their lifetime.</p>	
Recital 30a				
40a			<p>(30a) To ensure legal certainty and predictability, the obligation to structure direct support schemes by means of two-way contracts for difference should only apply to contracts under direct price support schemes for investments in new generation concluded as of three years after the date of entry into force of this Regulation. That transitional</p>	

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

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

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

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

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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>the date of entry into force of this amending Regulation</u> .	above.	
Recital 34				
44	(34) Thanks to the upward limitation of the market revenues direct price support schemes in the form of two-way contracts for difference should provide an additional source of revenues for Member States in periods of high energy prices. To further mitigate the impact of high electricity prices on the energy bills of consumers, Member States should ensure that the revenues collected from producers subject to direct price support schemes in the form of two-way contracts for difference are passed on to all final electricity customers, including households, SMEs and industrial consumers, based on their consumption. The redistribution of revenues should be done in a way that ensures that consumers are still to some extent exposed to the price signal, so that they reduce their consumption when the prices are high, or shift it to periods of lower prices (which are typically periods with a higher share of RES production). Member	(34) Thanks to the upward limitation of the market revenues direct price support schemes in the form of two-way contracts for difference should provide an additional source of revenues for Member States in periods of high energy prices. To further mitigate the impact of high electricity prices on the energy bills of consumers, Member States should ensure that the revenues collected from producers subject to direct price support schemes in the form of two-way contracts for difference are passed on to all final electricity customers, including households, SMEs and industrial consumers <u>with a particular focus on vulnerable customers and customers affected by or at risk of energy poverty. Member States could also dedicate the revenues to compensate the cost of the support schemes, to support investments for the energy transition of the electricity sector or to cover energy-intensive</u>	(34) Thanks to the upward limitation of the market revenues direct price support schemes in the form of two-way contracts for difference should provide an additional source of revenues for Member States in periods of high energy prices. To further mitigate the impact of high electricity prices on the energy bills of consumers, Member States should ensure that the revenues collected from producers subject to direct price support schemes in the form of two-way contracts for difference, or the equivalent in financial value of those revenues, -are passed on to final customers. When distributing the revenues to households, Member States should in particular be able to favour vulnerable customers. In the light of the wider benefits for all final electricity customers resulting from investments in renewable energy, energy efficiency, and low carbon energy deployment, it	

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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			revenues to the final electricity consumers. These principles should not be compulsory for revenues generated by contracts under direct price support schemes concluded before the date of application of the obligation to use two-way contracts for difference. It is possible for Member States to distribute revenues from two-way contracts for difference without that distribution constituting a retail price regulation pursuant to Article 5 of Directive (EU) 2019/944.	
Recital 35				
45	(35) Furthermore, Member States should ensure that the direct price support schemes, irrespective of their form, do not undermine the efficient, competitive and liquid functioning of the electricity markets, preserving the incentives of producers to react to market signals, including stop generating when electricity prices are below their operational costs, and of final customers to reduce consumption when electricity prices are high. Member States should ensure that	(35) Furthermore, Member States should ensure that the direct price support schemes, irrespective of their form, do not undermine the efficient, competitive and liquid functioning of the electricity markets, preserving <u>retaining</u> the incentives of producers to react to market signals, including stop generating when electricity prices are below their operational costs, and of final customers to reduce consumption when electricity prices are high. Member States	(35) Furthermore, Member States should ensure that the direct price support schemes, irrespective of their form, do not undermine the efficient, competitive and liquid functioning of the electricity markets, preserving the incentives of producers to react to market signals, including stop generating when electricity prices are below their operational costs, and of final customers to reduce consumption when electricity prices are high. Member States should ensure that	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>support schemes do not constitute a barrier for the development of commercial contracts such as PPAs.</p>	<p>should ensure that support schemes do not constitute a barrier for the development of commercial contracts such as PPAs. <u><i>The two-way contracts for difference should also take into account in their design locational criteria; be designed so that the support granted to the energy projects are not revised in a way that negatively affects the rights conferred thereunder or undermines the economic viability of projects that already benefit from support; ensure transparency in the conditions and retain the incentives for the generating facility to operate and participate efficiently in the electricity markets; should not receive support for production in any period in which the market value of that production is negative; should minimise their possible negative impact on the liquidity of forward markets, and should include penalty clauses applicable in the case of the early termination of the contract, while complying with the principles set out in Article 4(2) and 4(3), first and third subparagraphs, of Directive (EU) 2018/2001.</i></u></p>	<p>support schemes do not constitute a barrier for the development of commercial contracts such as PPAs.</p>	

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

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

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	also be reflected in their integrated national energy and climate plans.	view of the need to decarbonise the energy system. On this basis, Member States should define a national objective for non-fossil flexibility such as <u>indicative separate quantifiable national objectives for</u> demand-side response and <u>energy</u> storage which should also be reflected in their integrated national energy and climate plans. <u>In light of those plans, the Commission should assess the consistency between the Member States' national targets and draw up a Union strategy on demand response and energy storage that is consistent with the Union's 2030 targets for energy and climate.</u>	interconnectors, demand-side response, energy storage or the production of renewable fuels, in view of the need to decarbonise the energy system. On this basis, Member States should define a national objective for non-fossil flexibility such as demand-side response and energy storage which should also be reflected in their integrated national energy and climate plans. 1. Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council (OJ L 328, 21.12.2018, p. 1).	
	Recital 37a			
47a		<u>(37a) The most necessary deployment of variable renewable energy generation will reach its</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>full potential only with the deployment of additional energy storage. The future energy system will need more flexibility, stability and reliability to achieve the objectives of Regulation (EU) 2021/1119 and the European Green Deal. Energy storage can play a crucial role in the current and future energy system. It can help decarbonise the economy and increase the efficiency and security of energy supply by providing flexibility, stability and reliability. Energy storage can also lower electricity prices during peak times, reduce electricity price fluctuations and empower consumers to adapt their energy consumption to prices and their needs.</u></p>		
Recital 38				
48	<p>(38) To achieve the national objective for non-fossil flexibility such as demand side response and storage investment needs, Member States can design or redesign capacity mechanisms in order to create a green and flexible capacity mechanism. Member States that apply a capacity mechanism in line</p>	<p>(38) To achieve the national objective for non-fossil flexibility such as demand side <u>energy</u> response and storage investment needs, Member States can design or redesign capacity mechanisms in order to create a green and flexible capacity mechanism. Member States that apply a capacity</p>	<p>(38) To achieve the indicative national objective for non-fossil flexibility such as demand side response and energy storage investment needs, Member States can design or redesign capacity mechanisms in order to create a green and flexible capacity mechanism., and where flexibility</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	with the existing rules should promote the participation of non-fossil flexibility such as demand side response and storage by introducing additional criteria or features in the design.	mechanism in line with the existing rules should promote <u>consider</u> promoting the participation of non-fossil flexibility such as demand side response and <u>energy</u> storage by introducing additional criteria or features in the design.	needs are not being addressed by the removal of market barriers and existing investments, Member States that <u>can</u> apply a capacity mechanism in line with the existing rules should promote the participation non-fossil flexibility support schemes consisting of payments for the available capacity of non-fossil flexibility such as demand side response and storage by introducing additional criteria or features in the design.	
Recital 39				
49	(39) To support environmental protection objectives the CO2 emissions' limit, set out in Article 22(4) of Regulation (EU) 2019/943 of the European Parliament and of the Council, should be seen as an upper limit. Therefore, Member States could set technical performance standards and CO2 emissions' limits that restrict participation in capacity mechanisms to flexible, fossil-free technologies in full alignment with the Guidelines on State aid for climate, environmental protection and energy ¹ which encourage	(39) To support environmental protection objectives the CO2 <u>CO₂</u> emissions' limit, set out in Article 22(4) of Regulation (EU) 2019/943 of the European Parliament and of the Council, should be seen as an upper limit. Therefore, Member States could set technical performance standards and CO2 <u>CO₂</u> emissions' limits that restrict participation in capacity mechanisms to flexible, fossil-free technologies in full alignment with the Guidelines on State aid for climate, environmental protection and energy ¹ which encourage	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>Member States to introduce green criteria in capacity mechanisms.</p> <p>1. Communication from the Commission – Guidelines on State aid for climate, environmental protection and energy 2022 (OJ C 80, 18.2.2022, p. 1).</p>	<p>Member States to introduce green criteria in capacity mechanisms.</p> <p>1. Communication from the Commission – Guidelines on State aid for climate, environmental protection and energy 2022 (OJ C 80, 18.2.2022, p. 1).</p>		
<i>Recital 40</i>				
50	<p>(40) In addition, if Member States do not apply a capacity mechanism or if the additional criteria or features in the design of their capacity mechanism are insufficient to achieve national objective for demand response and storage investment needs they could apply flexibility support schemes consisting of payments for the available capacity of non-fossil flexibility such as demand side response and storage.</p>	<p>(40) In addition, if Member States do not apply a capacity mechanism or if the additional criteria or features in the design of their capacity mechanism are insufficient to achieve national objective for demand response and <u>energy</u> storage investment needs they could apply flexibility support schemes consisting of payments for the available capacity of non-fossil flexibility such as demand side response and <u>energy</u> storage.</p>	<i>deleted</i>	
<i>Recital 40a</i>				
50a		<p><u>(40a) The energy crisis has demonstrated the need for flexible back-up generation, a need which is more acute with an increasing share of renewables in the electricity mix or when the level of</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u><i>interconnections in a Member State is not sufficiently developed. Therefore, in order to facilitate the integration of an increasing share of renewable generation into the electricity system, capacity mechanisms should not be considered as an element of last resort where that is determined following a resource adequacy assessment.</i></u></p>		
Recital 40a				
50b			<p>(40a) As uncoordinated capacity mechanisms can have a significant impact on the internal electricity market, the Clean Energy Package introduced a comprehensive framework to better assess the need and improve the design of capacity mechanisms. Notwithstanding the necessity to limit distortions to competition and the internal market, together with an appropriate regulatory framework, capacity mechanisms can play an important role in ensuring resource adequacy, in particular during the transition towards a carbon-free system and for</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>insufficiently interconnected energy systems. Therefore, while capacity mechanisms should no longer be considered as measures of last resort, their necessity and design should be periodically assessed in light of the evolving regulatory framework and market circumstances. However, the procedure for the adoption of capacity mechanisms has proved to be complex. To address potential possibilities of streamlining and simplifying the process of applying for a capacity mechanism, , and to ensure that adequacy concerns can be addressed by Member States in a timely manner while providing the necessary controls to prevent harm for the internal market, the Commission should urgently submit a comprehensive report assessing such possibilities. In that context, the Commission should request that the Agency amends the methodology for the European resource adequacy assessment in line with the applicable process, as appropriate. After consultation with the Member States, the Commission should</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			come forward with proposals with a view to streamlining and simplifying the process for assessing capacity mechanisms as appropriate at the latest 3 months after entry into force of this Regulation.	
Recital 41				
51	(41) The connection of new generation and demand installations, in particular renewable energy plants, often faces delays in grid connection procedures. One of the reasons for such delays is the lack of available grid capacity at the location chosen by the investor, which implies the need for grid extensions or reinforcements to connect the installations to the system in a safe manner. A new requirement for electricity system operators, both at transmission and distribution levels, to publish and update information on the grid capacity available in their areas of operation would contribute to decision-making by investors on the basis of information of grid capacity availability within the system and thus to the required acceleration in	(41) The connection of new generation and demand installations, in particular renewable energy plants, often faces delays in grid connection procedures. One of the reasons for such delays is the lack of available grid capacity at the location chosen by the investor, which implies the need for grid extensions or reinforcements to connect the installations to the system in a safe manner. A new requirement for electricity system operators, both at transmission and distribution levels, to publish and update information on the grid capacity available in their areas of operation would contribute to decision-making by investors on the basis of information of grid capacity availability within the system and thus to the required acceleration in	(41) The connection of new generation and demand installations, in particular renewable energy plants, often faces delays in grid connection procedures. One of the reasons for such delays is the lack of available grid capacity at the location chosen by the investor, which implies the need for grid extensions or reinforcements to connect the installations to the system in a safe manner. A new requirement for electricity system operators, both at transmission and distribution levels, to publish and update information on the grid capacity available in their areas of operation would contribute to decision-making by investors on the basis of information of grid capacity availability within the system and thus to the required acceleration in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the deployment of renewable energy.	the deployment of renewable energy.	the deployment of renewable energy.	
Recital 42				
52	(42) Furthermore, to tackle the problem of lengthy reply times on requests for connection to the grid, transmission and distribution system operators should provide clear and transparent information to system users about the status and treatment of their connection requests. Transmission and distribution system operators should endeavour to provide such information within a period of three months from the submission of the request.	(42) Furthermore, to tackle the problem of lengthy reply times on requests for connection to the grid, transmission and distribution system operators should provide clear and transparent information to system users about the status and treatment of their connection requests. Transmission and distribution system operators should endeavour to provide such information within a period of three months from the submission of the request. <u>Transmission and distribution system operators should cooperate with each other to provide clear and transparent information on the level of self-consumption capacity installed.</u>	(42) Furthermore, to tackle the problem of lengthy reply times on requests for connection to the grid, transmission and distribution system operators should provide clear and transparent information to system users about the status and treatment of their connection requests. Transmission and distribution system operators should endeavour to provide such information within a period of three months from the submission of the request.	
Recital 43				
53	(43) During the energy crisis, consumers have been exposed to extremely volatile wholesale energy prices and had limited opportunities to engage in the	(43) During the energy crisis, consumers have been exposed to extremely volatile wholesale energy prices and had limited opportunities to engage in the	(43) During the energy crisis, consumers have been exposed to extremely volatile wholesale energy prices and had limited opportunities to engage in the	

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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 44				
54	<p>(44) Consumers should have access to a wide range of offers so that they can choose a contract according to their needs. However, suppliers have reduced their offers, fixed-price contracts have become scarce, and the choice of offers has become limited. Consumers should always have the possibility to opt for an affordable fixed price and fixed term contract and suppliers should not unilaterally modify the terms and conditions before such contract expires.</p>	<p>(44) Consumers should have access to a wide range of offers so that they can choose a contract according to their needs. However, suppliers have reduced their offers, fixed-price contracts have become scarce, and the choice of offers has become limited. Consumers should always have the possibility to opt for an affordable fixed price and fixed term <u>electricity supply contract to ensure a stable price over the duration of the</u> contract and suppliers should not unilaterally modify the terms and conditions <u>of a contract or terminate it</u> before such contract expires.</p>	<p>(44) Consumers should have access to a wide range of offers so that they can choose a contract according to their needs. However, suppliers have reduced their offers, fixed-price contracts have become scarce, and the choice of offers has become limited. Consumers should always have the possibility to opt for an affordable fixed price and fixed term contract and suppliers should not unilaterally modify the terms and conditions before such contract expires. This does not change the fact that dynamic price contracts remain essential and that an increasing penetration of renewable energy sources can help consumers to reduce their energy bills. Member States should be able to exempt suppliers who only offer dynamic price contracts from the obligation to offer fixed price and fixed term contracts, provided that this does not have a negative impact on competition and retains sufficient choice of fixed price and fixed term contracts.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 45				
55	<p>(45) When suppliers' do not ensure that their electricity portfolio is sufficiently hedged changes in wholesale electricity prices can leave them financially at risk and, result in their failure, passing on costs to consumers and other network users. Hence, it should be ensured that suppliers are appropriately hedged when offering fixed price contracts. An appropriate hedging strategy should take into account the suppliers' access to its own generation and its capitalisation as well as its exposure to changes in wholesale market prices.</p>	<p>(45) When suppliers' do not ensure that their electricity portfolio is sufficiently hedged changes in wholesale electricity prices can leave them financially at risk and, result in their failure, passing on costs to consumers and other network users. Hence, it should be ensured that <u>Member States perform regular stress test to assess whether</u> suppliers are appropriately hedged when offering fixed price contracts. <u>Where hedging opportunities are insufficient</u>, an appropriate hedging strategy should <u>be put in place and</u> take into account the suppliers' access to its own generation and its capitalisation as well as its exposure to changes in wholesale market prices, <u>the size of the supplier and the market structure</u>.</p>	<p>(45) When suppliers' do not ensure that their electricity portfolio is sufficiently hedged changes in wholesale electricity prices can leave them financially at risk and, result in their failure, passing on costs to consumers and other network users. Hence, it should be ensured that suppliers are appropriately hedged when offering fixed price contracts. An appropriate hedging strategy should take into account the suppliers' access to its own generation and its capitalisation as well as its exposure to changes in wholesale market prices. The existence of appropriate hedging strategies can be ensured by general rules overseen without undertaking a specific review of the positions or strategies of individual suppliers. Stress tests and reporting requirements on suppliers could be tools used to assess supplier hedging strategies.</p>	
Recital 46				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
56	<p>(46) Consumers should be able to choose the supplier which offers them the price and service which best suits their needs. Advances in metering and sub-metering technology combined with information and communication technology mean that it is now technically possible to have multiple suppliers for a single premises. If they so wish, customers should be able to use these possibilities to choose a separate supplier notably for electricity to power appliances such as heat pumps or electric vehicles which have a particularly high consumption or which also have the capability to shift their electricity consumption automatically in response to price signals. Moreover, with fast-responding dedicated metering devices which are attached to or embedded in appliances with flexible, controllable loads, final customers can participate in other incentive-based demand response schemes that provide flexibility services on the electricity market and to transmission and distribution system operators.</p>	<p>(46) Consumers should be able to choose the supplier which offers them the price and service which best suits their needs. Advances in metering and sub-metering technology combined with information and communication technology mean that it is now technically possible to have multiple suppliers for a single premises. If they so wish, customers should be able to use these possibilities to choose a separate supplier, <u>in particular notably</u> for electricity to power appliances such as heat pumps or electric vehicles which have a particularly high consumption or which also have the capability to shift their electricity consumption automatically in response to price signals. <u>To that end, customers should be allowed to have more than one metering and billing point covered by the single connection point for their premises. Some smart metering systems may directly cover more than one metering point and therefore enable customers to have more than one electricity supply contract at the same time.</u></p>	<p>(46) Consumers should be able to choose the supplier which offers them the price and service which best suits their needs. Advances in metering and sub-metering technology combined with information and communication technology mean that it is now technically possible to have multiple suppliers for a single premises. If they so wish, customers should be able to use these possibilities to choose a separate supplier notably for electricity to power appliances such as heat pumps or electric vehicles which have a particularly high consumption or which also have the capability to shift their electricity consumption automatically in response to price signals. Moreover, with fast-responding dedicated For this purpose, customers should be allowed to have more than one metering devices and billing point covered by the single connection point for their premises allowing different appliances to be metered and supplied separately. Metering points should be clearly distinguished from each other.</p>	

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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 47				
57	(47) Due to the increasing complexity of energy offers and different marketing practices, consumers have often difficulties to fully understand what they sign up to. In particular, there is a lack of clarity on how the price is set, the conditions for the renewal of the contract, the consequences of terminating a contract or the reasons for changing conditions by the supplier. Therefore, the key information on energy offers should be provided to consumers by suppliers or market participants engaged in aggregation in a short and easily understandable manner prior to signing the contract.	(47) Due to the increasing complexity of energy offers and different marketing practices, consumers have often difficulties to fully understand what they sign up to. In particular, there is a lack of clarity on how the price is set, the conditions for the renewal of the contract, the consequences of terminating a contract or the reasons for changing conditions by the supplier. Therefore, the key information on energy offers should be provided to consumers by suppliers or market participants engaged in aggregation in a short and easily understandable manner prior to signing the contract.	(47) Due to the increasing complexity of energy offers and different marketing practices, consumers have often difficulties to fully understand what they sign up to. In particular, there is a lack of clarity on how the price is set, the conditions for the renewal of the contract, the consequences of terminating a contract or the reasons for changing conditions by the supplier. Therefore, the key information on energy offers should be provided to consumers by suppliers or market participants engaged in aggregation in a short and easily understandable manner prior to signing the contract.	
Recital 48				
58	(48) To ensure continuity of supply for consumers in case of supplier failure, Member States should be obliged to appoint suppliers of last resort which may be treated as the provider of universal service. That supplier might be the sales division of a	(48) To ensure continuity of supply for consumers in case of supplier failure, <u>where</u> Member States <u>have not already appointed a supplier of last resort, they</u> should be obliged to appoint suppliers of last resort which may be treated as the provider of	(48) To ensure continuity of supply for consumers particularly in cases in case of supplier failure, Member States should implement a supplier-of-last-resort regime. It should be possible to appoint suppliers the supplier of last resort which either before or	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>vertically integrated undertaking which also performs distribution functions, provided that it meets the unbundling requirements of Article 35 of Directive (EU) 2019/944 of the European Parliament and of the Council. However, this does not imply an obligation of Member States to supply at a certain fixed minimum price.</p>	<p>universal service. That supplier might be the sales division of a vertically integrated undertaking which also performs distribution functions, provided that it meets the unbundling requirements of Article 35 of Directive (EU) 2019/944 of the European Parliament and of the Council. However, this does not imply an obligation of Member States to supply at a certain fixed minimum price.</p>	<p>at the moment of supplier failure. Such a supplier of last resort may be treated as the a provider of universal service. ThatA supplier of last resort might be the sales division of a vertically integrated undertaking which also performs distribution functions, provided that it meets the unbundling requirements of Article 35 of Directive (EU) 2019/944 of the European Parliament and of the Council¹. However, this does not imply an obligation of Member States to supply at a certain fixed minimum price. Where, before the entry into force of this Directive, a Member State has already appointed a supplier of last resort through a fair, transparent and non-discriminatory procedure, it is not necessary to run a new procedure for appointing the supplier of last resort.</p> <p><small>1. Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (OJ L 158, 14.6.2019, p. 125).</small></p>	
Recital 49				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
59	(49) Energy sharing can create resilience against the effects of high and volatile wholesale market prices on consumers' energy bills, empowers a wider group of consumers that do not otherwise have the option of becoming an active customer due to financial or spatial constraints, such as energy poor and vulnerable consumers, and leads to increased uptake of renewable energy by mobilising additional private capital investments and diversifying remuneration pathways. With the integration of appropriate price signals and storage facilities, electricity sharing can help lay the foundation to help tap into the flexibility potential of smaller consumers.	(49) Energy sharing can create resilience against the effects of high and volatile wholesale market prices on consumers' energy bills, empowers a wider group of consumers that do not otherwise have the option of becoming an active customer due to financial or spatial constraints, such as energy poor and vulnerable consumers, and leads to increased uptake of renewable energy by mobilising additional private capital investments and diversifying remuneration pathways. With the integration of appropriate price signals and storage facilities, electricity sharing can help lay the foundation to help tap into the flexibility potential of smaller consumers.	(49) Energy sharing can create resilience against the effects of high and volatile wholesale market prices on consumers' energy bills, empowers a wider group of consumers that do not otherwise have the option of becoming an active customer due to financial or spatial constraints, such as energy poor and vulnerable consumers, and leads to increased uptake of renewable energy by mobilising additional private capital investments and diversifying remuneration pathways. With the integration of appropriate price signals and storage facilities, electricity sharing can help lay the foundation to help tap into the flexibility potential of smaller consumers.	
Recital 50				
60	(50) Active customers that own, lease or rent a storage or generation facility should have the right to share excess production and empower other consumers to become active, or to share the renewable energy generated or stored by jointly leased, rented or	(50) Active customers that own, lease or rent a storage or generation facility should have the right to share excess production and empower other consumers to become active, or to share the renewable energy generated or stored by jointly leased, rented or	(50) Active customers that own, lease or rent a storage or generation facility should have the right to share excess production at a price or free of charge and empower other consumers to become active, or to share the renewable energy generated or stored by jointly	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>owned facilities, either directly or through a third-party facilitator. Energy sharing arrangements are either based on private contractual agreement between active customers or organised through a legal entity. A legal entity that incorporates the criteria of a renewable energy community as defined in Directive (EU) 2018/2001 of the European Parliament and of the Council or a citizen energy community as defined in Directive (EU) 2019/944 of the European Parliament and of the Council can share with their members electricity generated from facilities they have in full ownership. The protection and empowerment framework for energy sharing should pay particular attention to energy poor and vulnerable consumers.</p>	<p>owned facilities, either directly or through a third-party facilitator <u><i>provided that the renewable energy generation facility owned by the third party does not exceed 6 MW capacity.</i></u> Energy sharing arrangements are either based on private contractual agreement between active customers or organised through a legal entity. A legal entity that incorporates the criteria of a renewable energy community as defined in Directive (EU) 2018/2001 <i>of the European Parliament and of the Council</i> or a citizen energy community as defined in Directive (EU) 2019/944 <i>of the European Parliament and of the Council</i> can share with their members electricity generated from facilities they have in full ownership. The protection and empowerment framework for energy sharing should pay particular attention to energy poor and vulnerable consumers.</p>	<p>leased, rented or owned facilities, either directly or through a third-party facilitator. Any payment for sharing of excess production for a price can either be settled directly between active customers or automated through a peer-to-peer trading platform. Energy sharing arrangements are either based on private contractual agreement between active customers or organised through a legal entity. A legal entity that incorporates the criteria of a renewable energy community as defined in Directive (EU) 2018/2001 <i>of the European Parliament and of the Council</i> or a citizen energy community as defined in Directive (EU) 2019/944 <i>of the European Parliament and of the Council</i> can share with their members electricity generated from facilities they have in full ownership. The protection and empowerment framework for energy sharing should pay particular attention to energy poor and vulnerable consumers.</p>	
Recital 51				
61	(51) Energy sharing	(51) Energy sharing	(51) Energy sharing	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>operationalises the collective consumption of self-generated or stored electricity injected into the grid by more than one jointly acting active customers. Member States should put in place the appropriate IT infrastructure to allow for the administrative matching within a certain timeframe of consumption with self-generated or stored renewable energy for the purpose of calculating the energy component of the energy bill. The output of these facilities should be distributed among the aggregated consumer load profiles based on static, variable or dynamic calculation methods that can be pre-defined or agreed upon by the active customers.</p>	<p>operationalises the collective consumption of self-generated or stored electricity injected into the grid by more than one jointly acting active customers. Member States should put in place the appropriate IT infrastructure to allow for the administrative matching within a certain timeframe of consumption with self-generated or stored renewable energy for the purpose of calculating the energy component of the energy bill. The output of these facilities should be distributed among the aggregated consumer load profiles based on static, variable or dynamic calculation methods that can be pre-defined or agreed upon by the active customers. <u>Active customers who participate in energy sharing should be financially responsible for the imbalances that they cause in the electricity system, whether directly or through a delegated party pursuant to Article 5 of Regulation (EU) 2019/943. All consumer rights and obligations laid down in Directive (EU) 2019/944 should apply to final customers participating in energy sharing schemes. However,</u></p>	<p>operationalises the collective consumption of self-generated or stored electricity injected into the grid by more than one jointly acting active customers. Member States should put in place the appropriate IT infrastructure to allow for the administrative matching within a certain timeframe of customer's total metered consumption with self-generated or stored renewable energy which is deducted from the total consumption for the purpose of calculating the energy component of the energy bill issued by the customer's supplier and thereby reducing the customer's bill. The output of these facilities should be distributed among the aggregated consumer load profiles based on static, variable or dynamic calculation methods that can be pre-defined or agreed upon by the active customers. Active customers engaged in energy sharing are financially responsible for imbalances they cause. This should be without prejudice to the possibility for active customers to delegate their balancing responsibilities to</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>households with an installed capacity up to 10,8 kW for single households and up to 100 kW for multi-apartment blocks should not be required to comply with supplier obligations.</i></u>	other market participants. All consumer rights and obligations set out in this Directive apply to final customers involved in energy sharing schemes. However, households with an installed capacity up to 10.8 kW for single households and up to 50 kW for multi-apartment blocks should not be required to comply with the obligations of suppliers.	
Recital 52				
62	(52) Vulnerable customers should be adequately protected from electricity disconnections and should, as well, not be put in a position that forces them to disconnect. The role of suppliers and all relevant national authorities to identify appropriate measures, in both the short and the long-term, which should be made available to vulnerable customers to manage their energy use and costs remain essential, including by means of close cooperation with social security systems.	(52) Vulnerable customers should be adequately protected from electricity disconnections and should, as well <u>moreover</u> , not be put in a position that forces them to disconnect. <u>Member States should therefore prohibit electricity disconnections of vulnerable household customers and customers affected by or at risk of energy poverty, while also ensuring that disconnections are prohibited during ongoing judicial or out-of-court disputes between supplier and customers for a period of eight weeks. Member States should complement those rights with the adoption of specific</u>	(52) Vulnerable customers should be adequately protected from electricity disconnections and should, as well, not be put in a position that forces them to disconnect. The role of suppliers and all relevant national authorities to identify appropriate measures, in both the short and the long-term, which should be made available to vulnerable customers to manage their energy use and costs remain essential, including by means of close cooperation with social security systems.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>measures for the winter and summer seasons, to enable household customers to help manage their consumption and avoid high settlement bills.</u> The role of suppliers and all relevant national authorities to identify appropriate measures, in both the short and the long-term, which should be made available to vulnerable customers to manage their energy use and costs remain essential, including by means of close cooperation with social security systems.</p>		
Recital 53				
63	<p>(53) Public interventions in price setting for the supply of electricity constitute, in principle, a market-distortive measure. Such interventions may therefore only be carried out as public service obligations and are subject to specific conditions. Under this Directive regulated prices are possible for energy poor and vulnerable households, including below costs, and, as a transition measure, for households and micro-enterprises. In times of crisis, when wholesale and retail</p>	<p>(53) Public interventions in price setting for the supply of electricity constitute, in principle, a market-distortive measure. Such interventions may therefore only be carried out as public service obligations and are subject to specific conditions. Under this Directive regulated prices are possible for energy poor and vulnerable households, including below costs, and, as a transition measure, for households and micro-enterprises. In times of crisis, when wholesale and retail</p>	<p>(53) Public interventions in price setting for the supply of electricity constitute, in principle, a market-distortive measure. Such interventions may therefore only be carried out as public service obligations and are subject to specific conditions. Under this Directive regulated prices are possible for energy poor and vulnerable households, including below costs, and, as a transition measure, for households and micro-enterprises whether or not there is an electricity price crisis.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>electricity prices increase significantly, and this is having a negative impact on the wider economy, Member States should be allowed to extend, temporarily, the application of regulated prices also to SMEs. For both households and SMEs, Member States should be temporarily allowed to set regulated prices below costs as long as this does not create distortion between suppliers and suppliers are compensated for the costs of supplying below cost. However, it needs to be ensured that such price regulation is targeted and does not create incentives to increase consumption. Hence, such price regulation should be limited to 80% of median household consumption for households, and 70% of the previous year's consumption for SMEs. The Commission should determine when such an electricity price crisis exists and consequently when this possibility becomes applicable. The Commission should also specify the validity of that determination, during which the temporary extension of regulated prices applies, which may be for up to one year. To the</p>	<p>electricity prices increase significantly, and this is having a negative impact on the wider economy, Member States should be allowed to extend, temporarily, the application of regulated prices also to SMEs. For both households and SMEs, Member States should be temporarily allowed to <u>lower the electricity prices and to</u> set regulated prices below costs as long as this does not create distortion between suppliers and suppliers are compensated for the costs of supplying below cost. However, it needs to be ensured that such price regulation is targeted and does not create incentives to increase consumption. Hence, such price regulation should be limited to 80%<u>80 %</u> of median household consumption for households, <u>100 % for vulnerable household customers and 70 %</u>and 70% of the previous year's consumption for SMEs. The Commission should determine when such an electricity price crisis exists and consequently when this possibility becomes applicable. The Commission should also specify the validity of that determination, during which</p>	<p>In times of crisis, when wholesale and retail electricity prices increase significantly, and this is having a negative impact on the wider economy, Member States should be allowed to extend, temporarily, the application of regulated prices also to SMEs. For both households and SMEs, Member States should be temporarily allowed to set regulated prices below costs as long as this does not create distortion between suppliers and suppliers are compensated for the costs of supplying below cost during an electricity price crisis. However, it needs to be ensured that such price regulation is targeted and does not create incentives to increase consumption. Hence, the temporary extension of such price regulation should be limited to 80% of median household consumption for households, and 70% of the previous year's consumption for SMEs. The Council, acting on a proposal from the Commission, should determine when such an by means of an implementing decision when a regional or Union-wide electricity price crisis exists. The assessment of whether</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>extent that any of the measures envisaged by the present Regulation constitute State aid, the provisions concerning such measures are without prejudice to the application of Articles 107 and 108 TFEU.</p>	<p>the temporary extension of regulated prices applies, which may be for up to one year. To the extent that any of the measures envisaged by the present Regulation constitute State aid, the provisions concerning such measures are without prejudice to the application of Articles 107 and 108 TFEU. <u><i>In any event, the declaration of a regional or Union-wide electricity price crisis should ensure a level playing field across all Member States affected by the decision so that the internal market is not unduly distorted.</i></u></p>	<p>such a price crisis exists should be based on a comparison with prices in times of normal market operation and therefore exclude the impact of previous crises. The decision and consequently when this possibility becomes applicable. The Commission should also specify the validity of that determination, during which the temporary extension of regulated prices applies, which may be for up to one year. Where the conditions continue to be fulfilled for considering that a regional or Union-wide electricity price crisis exists, it should be possible for the Council, upon a proposal from the Commission To the extent that any of the measures envisaged by the present Regulation constitute State aid, to extend the period of validity of the implementing decision. Conferring implementing powers on the Council adequately takes into account the political nature of the decision to trigger the extended possibilities for public interventions in price setting for the supply of electricity, which requires a delicate balancing of</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>different policy considerations, as well as the horizontal implications of such a decision for Member States the provisions concerning such measures are without prejudice to the application of Articles 107 and 108 TFEU.</p>	
Recital 53a				
63a			<p>(53a) The inframarginal revenue cap introduced in Articles 6 to 8 and Article 10 of Council Regulation (EU) 2022/1854 has in some cases provided a relevant source of income that Member States have used to soften the impact of the high electricity prices in the consumers bills. This Regulation provides tools that will also bring relief for consumers during times of high electricity prices; while Member States implement those tools, they should also be allowed to apply an inframarginal revenue cap until 30 June 2024. That revenue cap should be subject to conditions corresponding to those which were applicable under Council Regulation (EU) 2022/1854. In order to assess the application of any such revenue</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			cap, the Commission should issue a report to the Parliament and the Council.	
Recital 53b				
63b			(53aa) To the extent that any of the measures envisaged by this Regulation constitute State aid, the provisions concerning such measures are without prejudice to the application of Articles 107 and 108 TFEU. The Commission is competent to assess the compatibility of State aid with the internal market.	
Recital 53c				
63c			(53b) Since Estonia, Latvia and Lithuania are not yet synchronised with the European electricity system, they face very specific challenges when organising balancing markets and the market-based procurement of ancillary services. While synchronisation is well underway, one of the critical prerequisites for stable synchronous system operation is the availability of sufficient	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>balancing capacity reserves for frequency regulation. However, being dependent on the Russian synchronous area for frequency management, the Baltic countries were not yet in the position to develop an own functioning balancing market. The Russian war of aggression against Ukraine has substantially increased the risk for security of supply resulting from the absence of own balancing markets.</p> <p>Therefore, the requirements of Article 6(9), (10), (11) of Regulation (EU) 2019/943 and of Commission Art 41(2) of Regulation (EU) 2017/2195, which are designed to apply to existing balancing markets, do not yet reflect the situation in Estonia, Latvia and Lithuania, in particular as the development of balancing market requires time and new investments in balancing capacity. Estonia, Latvia and Lithuania should therefore, irrespective of those requirements, be entitled to conclude longer-term contracts to procure balancing capacity for</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			a transitional period.	
Recital 53d				
63d			(53ba) Estonia, Latvia and Lithuania should also be exempted from the requirements of certain provisions of Article 40(4) and 54(2) of Directive (EU) 944/2019 insofar as this is necessary to ensure system security for a transitional period.	
Recital 53e				
63e			(53c) The transitional periods for Estonia, Latvia and Lithuania should phase out as soon as possible after the synchronisation, and be used to develop the appropriate markets instruments offering short-term balancing reserves and other indispensable ancillary services, and should be limited to the time necessary for this process.	
Recital 53f				
63f			(53d) The Baltic States are foreseen to be synchronized with	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>the continental Europe synchronous area by one double circuit line connecting Poland and Lithuania. Upon synchronization, the capacity of this line will have to be, in large part, kept for reliability margins in a case of unexpected outage in the Baltic System and resulting unintended deviations.</p> <p>Transmission system operators should continue offering maximum capacity for cross-border trading, compliant with operational security limits and considering possible contingencies in the Polish and Lithuanian systems, including those resulting from outages of HVDC lines or disconnection of the Baltic States from the continental Europe synchronous area. The specific situation of this interconnection should be taken into consideration for the calculation of the total capacity and contingencies pursuant to Article 16(8) of Regulation (EU) 2019/943.</p>	
Recital 53g				
63g			(53e) Considering that the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>Cypriot transmission system is not connected to any Member State, Cyprus faces very specific challenges when organising balancing markets and the market-based procurement of ancillary services. Cyprus should be exempted from the requirements of Article 40 (4) and 54 (2) of Directive (EU) 944/2019 insofar as this is necessary to ensure system security for a transitional period, namely until the Cypriot transmission system is connected to other Member States via interconnectors.</p>	
Recital 53h				
63h			<p>(53f) To support environmental protection objectives, Article 22(4) of Regulation (EU) 2019/943 of the European Parliament and of the Council sets out requirements regarding CO2 emission limits for capacity mechanisms . However, during their transition to a carbon-free system and in the aftermath to the energy crisis, Member States applying capacity mechanisms which were approved before the</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>entry into force of this Regulation, can exceptionally derogate, and as a last resort mechanism, from this CO2 emission limit for a limited period of time. Such derogation should however be limited to existing generation capacity that started commercial production before 4 July 2019, i.e. before the entry into force of the Clean Energy Package. In case previous procurement processes that met the CO2 emission limits have not brought about the necessary capacity to meet the identified adequacy concern, Member States should be allowed to organise an additional procurement process which meets all the requirements in Chapter IV of Regulation (EU) 2019/943 of the European Parliament and of the Council, except for those regarding CO2 emission limits, and only for the amount of capacity that is needed to solve the adequacy concerns that has been identified. Generation capacity that does not meet the CO2 emission limits should not be procured for a period longer than one year. This</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			application shall not be detrimental to decarbonisation plans anticipated by Member States.	
Recital 53i				
63i			(53g) Capacity mechanisms should be open to the participation of all resources that are capable of providing the required technical performance, including gas-fired power plants, provided they satisfy the emission limit in Article 22(4).	
Recital 54				
64	(54) The measures envisaged by the present Regulation are also without prejudice to the application of Directive 2014/65/EU, Regulation (EU) 2016/1011 and Regulation (EU) 648/2012.	(54) The measures envisaged by the present Regulation are also without prejudice to the application of Directive 2014/65/EU, Regulation (EU) 2016/1011 and Regulation (EU) 648/2012.	(54) The measures envisaged by the present this Regulation are also without prejudice to the application of Directive 2014/65/EU of the European Parliament and of the Council ¹ , Regulation (EU) 2016/1011 of the European Parliament and of the Council ² and Regulation (EU) 648/2012 of the European Parliament and of the Council ³ . ¹ . Directive 2014/65/EU of the European Parliament and of the Council of 15 May	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349).</p> <p>2. Regulation (EU) 2016/1011 of the European Parliament and of the Council of 8 June 2016 on indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds and amending Directives 2008/48/EC and 2014/17/EU and Regulation (EU) No 596/2014 (OJ L 171, 29.6.2016, p. 1).</p> <p>3. Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (OJ L 201, 27.7.2012, p. 1).</p>	
Recital 55				
65	(55) Regulation (EU) 2019/942 of the European Parliament and of the Council, Regulation (EU) 2019/943 of the European Parliament and of the Council, Directive (EU) 2019/944 of the European Parliament and of the Council and Directive (EU) 2018/2001 of the European Parliament and of the Council should be amended accordingly.	(55) Regulation (EU) 2019/942 of the European Parliament and of the Council, Regulation (EU) 2019/943 of the European Parliament and of the Council, Directive (EU) 2019/944 of the European Parliament and of the Council and Directive (EU) 2018/2001 of the European Parliament and of the Council should be amended accordingly.	(55) Regulation (EU) 2019/942 of the European Parliament and of the Council ¹ , Regulation (EU) 2019/943 of the European Parliament and of the Council, Directive (EU) 2019/944 of the European Parliament and of the Council and Directive (EU) 2018/2001 of the European Parliament and of the Council should be amended accordingly.	
			<p>1. Regulation (EU) 2019/942 of the European Parliament and of the Council of 5 June 2019 establishing a European Union Agency for the Cooperation of</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Energy Regulators (OJ L 158, 14.6.2019, p. 22).	
Recital 56				
66	(56) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States, but can rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary to achieve those objectives.	(56) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States, but can rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary to achieve those objectives ² .	(56) Since the objectives of this Regulation, namely to improve the design of the integrated electricity market, in particular to prevent unduly high electricity prices , -cannot be sufficiently achieved by the Member States, but can rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary to achieve those objectives.	
Formula				
67	HAS ADOPTED THIS REGULATION:	HAS ADOPTED THIS REGULATION:	HAS HAVE ADOPTED THIS REGULATION:	
Article 1				
68				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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:	
Article 1, first paragraph, point (1)				
70	(1) Article 1 is amended as follows:	(1) Article 1 is amended as follows:	(1) Article 1 is amended as follows:	
Article 1, first paragraph, point (1)(-a)				
70a		<u><i>(-a) point (a) is replaced by the following:</i></u>		
Article 1, first paragraph, point (1)(-a), amending provision, first paragraph				
70b		" <u><i>(a) set the basis for an efficient achievement of the objectives of the Energy Union and the objective to achieve climate</i></u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>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:	
Article 1, first paragraph, point (1)(a), amending provision, first paragraph				
72	‘ (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	‘ (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</u>	‘ (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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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;	<u>field for distributed renewable energy installations owned by citizens and energy communities, ensure</u> competitiveness on the global market, enhance <u>security of supply and</u> flexibility through demand response, energy storage, <u>energy sharing</u> and other non-fossil flexibility solutions, ensure energy efficiency, facilitate aggregation of distributed demand and supply, and enable market and sectoral integration and market-based remuneration of electricity generated from renewable sources;	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;'	
Article 1, first paragraph, point (1)(a), amending provision, first paragraph a				
72a		<u>consider the electricity sector as a key element of integrated energy system planning and operation of the energy system as a whole, across multiple energy carriers, with the objective of delivering affordable, reliable and resource-efficient energy services, at the lowest possible cost to society;'</u>		
Article 1, first paragraph, point (1)(b)				
73	(b) the following point is added:	(b) the following point is <u>points</u>	(b) the following point is added:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>are</u> added:		
Article 1, first paragraph, point (1)(b), amending provision, first paragraph				
74	‘ (e) support long-term investments in renewable energy generation and enable consumers’ to make their energy bills less dependent 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 on fluctuations of short-term electricity market prices, in particular fossil fuel prices in the medium to long-term.’	
Article 1, first paragraph, point (1)(b), amending provision, first paragraph a				
74a		<u>(ea) set a framework for the adoption of measures to address electricity price crisis;</u>		
Article 1, first paragraph, point (1)(b), amending provision, third paragraph				
74b		<u>(eb) ensure that sufficient investments are made in the grid and storage capacities to meet the challenges posed by the increasing share of intermittent electricity generation and the overall increase in electricity use.’</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (2)				
75	(2) In Article 2, the following points are added:	(2) In Article 2, the following points are added:	(2) In Article 2, the following points are added:	
Article 1, first paragraph, point (2), amending provision, numbered paragraph (72)				
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;	
Article 1, first paragraph, point (2), amending provision, numbered paragraph (73)				
77	(73) ‘peak shaving’ means the ability of market participants to reduce electricity consumption at peak hours determined by the	(73) ‘peak shaving’ means the ability of market participants to reduce electricity consumption <u>from the grid</u> at peak hours	(73) ‘peak shaving’ means the ability of market participants to reduce electricity consumption at peak hours determined by at the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	transmission system operator;	determined by the transmission system operator;	request of the transmission system operator;	
Article 1, first paragraph, point (2), amending provision, numbered paragraph (74)				
78	(74) ‘peak shaving product’ means a market-based product through which market participants 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;	
Article 1, first paragraph, point (2), amending provision, numbered paragraph (75)				
79	(75) ‘virtual hub’ means a non-physical region covering more than one bidding zone for which an index price is set in application of a methodology;	<i>deleted</i>	(75) ‘virtual hub’ means a– non-physical region covering more than one bidding zone for which an index a reference price is set in application of a methodology;	
Article 1, first paragraph, point (2), amending provision, numbered paragraph (76)				
80	(76) ‘two-way contract for difference’ means a contract signed between a power generating facility operator and a counterpart, usually a public entity, that provides both minimum remuneration protection and a limit to excess remuneration; the contract is designed to preserve incentives for the generating	(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	(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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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;	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;	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;	
Article 1, first paragraph, point (2), amending provision, numbered paragraph (78)				
82	(78) ‘market revenue’ means realised income an electricity producer receives in exchange for the sale and delivery of electricity in the Union, regardless of the contractual form in which such exchange takes place, and excluding any support granted by Member States;	(78) ‘market revenue’ means realised income an electricity <u>that a producer receives in exchange for the sale and delivery of electricity or for the provision of other services related to the energy system</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	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		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>		
Article 1, first paragraph, point (2), amending provision, numbered paragraph (79)				
83	(79) 'dedicated metering device' means a device attached to or embedded in an asset that sells demand response or flexibility services on the electricity market or to transmission and distribution system operators;	(79) 'dedicated metering <u>measurement</u> device' means a device <u>linked or</u> attached to, or embedded in, an asset that sells <u>provides</u> demand response or flexibility services on the electricity market or to transmission and distribution system operators <u>and that allows measuring the volume of demand response and flexibility services delivered;</u>	(79) 'dedicated metering <u>measurement</u> device' means a device attached <u>linked to</u> or embedded in an asset that sells provides demand response or flexibility services on the electricity market or to transmission and distribution system operators;	
Article 1, first paragraph, point (2), amending provision, numbered paragraph (79a)				
83a		<u>79a. 'power control system' or</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>'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;</i></u>		
Article 1, first paragraph, point (2), amending provision, numbered paragraph (79b)				
83b		<u><i>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;</i></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 availability, across relevant market timeframes.	(80) 'flexibility' means the ability of an electricity system to adjust to the variability of generation and consumption patterns and grid availability, across relevant market timeframes.;	(80) 'flexibility' means the ability of an electricity system to adjust to the variability of generation and consumption patterns and grid availability, across relevant market timeframes.'	
Article 1, first paragraph, point (2), amending provision, numbered paragraph (80a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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>		
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>		
Article 1, first paragraph, point (2), amending provision, numbered paragraph (80c)				
84c		<u>80c. 'day-ahead market timeframe' means the timeframe of the electricity market from the single day-ahead coupling gate opening time until the time when</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>the single day-ahead coupling results are published;</i></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 (3)				
85	(3) Article 7 is amended as follows:	(3) Article 7 is amended as follows:	(3) Article 7 is amended as follows:	
Article 1, first paragraph, point (3)(a)				
86	(a) paragraph 1 is replaced by the following:	(a) paragraph 1 is replaced by the following:	(a) paragraph 1 is replaced by the following:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 1, first paragraph, point (3)(a), amending provision, numbered paragraph (1)			
87	<p>‘</p> <p>1. Transmission system operators and NEMOs, or an entity designated by them, shall jointly organise the management of the integrated day-ahead and intraday markets in accordance with Regulation (EU) 2015/1222. Transmission system operators and NEMOs shall cooperate at Union level or, where more appropriate, at a regional level in order to maximise the efficiency and effectiveness of Union electricity day-ahead and intraday trading. The obligation to cooperate shall be without prejudice to the application of Union competition law. In their functions relating to electricity trading, transmission system operators and NEMOs shall be subject to regulatory oversight by the regulatory authorities pursuant to Article 59 of Directive (EU) 2019/944 and ACER pursuant to Articles 4 and 8 of Regulation (EU) 2019/942.</p> <p>’</p>	<p>‘</p> <p>1. Transmission system operators and NEMOs, or an entity designated by them, shall jointly organise the management of the integrated day-ahead and intraday markets in accordance with Regulation (EU) 2015/1222. Transmission system operators and NEMOs shall cooperate at Union level or, where more appropriate, at a regional level in order to maximise the efficiency and effectiveness of Union electricity day-ahead and intraday trading. The obligation to cooperate shall be without prejudice to the application of Union competition law. In their functions relating to electricity trading, transmission system operators and NEMOs shall be subject to regulatory oversight by the regulatory authorities pursuant to Article 59 of Directive (EU) 2019/944 and ACER pursuant to Articles 4 and 8 of Regulation (EU) 2019/942 <u>and the transparency obligations and effective supervision against market manipulation laid down in Regulation ... [REMIT II].</u>’</p>	<p>‘</p> <p>1. Transmission system operators and NEMOs, or an entity designated by them, shall jointly organise the management of the integrated day-ahead and intraday markets in accordance with Regulation (EU) 2015/1222. Transmission system operators and NEMOs shall cooperate at Union level or, where more appropriate, at a regional level in order to maximise the efficiency and effectiveness of Union electricity day-ahead and intraday trading. The obligation to cooperate shall be without prejudice to the application of Union competition law. In their functions relating to electricity trading, transmission system operators and NEMOs, or an entity designated by them, shall be subject to regulatory oversight by the regulatory authorities pursuant to Article 59 of Directive (EU) 2019/944 and ACER pursuant to Articles 4 and 8 of Regulation (EU) 2019/942.’</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (3)(b)				
88	(b) paragraph 2 is amended as follows:	(b) paragraph 2 is amended as follows:	(b) paragraph 2 is amended as follows:	
Article 1, first paragraph, point (3)(b)(i)				
89	(i) point (c) is replaced by the following:	(i) point (c) is replaced by the following:	(i) point (c) is replaced by the following:	
Article 1, first paragraph, point (3)(b)(i), amending provision, first paragraph				
90	(c) maximise the opportunities for all market participants to participate in cross-zonal and intra-zonal trade in a non-discriminatory way and as close as possible to real time across and within all bidding zones;	(c) maximise the opportunities for all market participants to participate in cross-zonal and intra-zonal trade in a non-discriminatory way and as close as possible to real time across and within all bidding zones;	(c) maximise the opportunities for all market participants to participate in cross-zonal and intra-zonal trade in a non-discriminatory way and as close as possible to real time across and within all bidding zones;	
Article 1, first paragraph, point (3)(b)(ii)				
91	(ii) the following point (ca) is inserted:	(ii) the following point (ca) is inserted:	(ii) the following point (ca) is inserted:	
Article 1, first paragraph, point (3)(b)(ii), amending provision, first paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
92	<p>(ca) be organised in such a way as to ensure the sharing of liquidity between all NEMOs, both for cross-zonal and for intra-zonal trade;</p>	<p>(ca) be organised in such a way as to ensure the sharing of liquidity between all NEMOs, both for cross-zonal and for intra-zonal trade; <u><i>in particular, NEMOs shall submit all orders for day-ahead and intraday products to the single day-ahead and intraday coupling until the latest point in time when day-ahead or intraday trading is allowed in a given bidding zone. NEMOs shall not organise the trading with day-ahead and intraday products, or products with similar characteristics, outside the single day-ahead and intraday coupling. This obligation shall apply to NEMOs and to undertakings which directly or indirectly exercise control or any right over a NEMO;</i></u></p>	<p>(ca) be organised in such a way as to ensure the sharing of liquidity between all NEMOs, both for cross-zonal and for intra-zonal trade; at all times between themselves, including after the intraday cross-zonal gate closure. In particular, NEMOs shall submit all orders for day-ahead and intraday products to the single day-ahead and intraday coupling until the latest point in time when day-ahead or intraday trading is allowed in a given bidding zone. NEMOs shall not organise the trading with day-ahead and intraday products outside the single day-ahead and intraday coupling. This obligation shall apply to NEMOs, and where appropriate to undertakings which directly or indirectly exercise control or any right over a NEMO and to undertakings which are directly or indirectly exercise control or are controlled by a NEMO.</p>	
Article 1, first paragraph, point (3)(b)(ia)				
92a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>(ia) point (f) is replaced by the following:</u>		
Article 1, first paragraph, point (3)(b)(ia), amending provision, first paragraph				
92b		<u>'(f) be transparent and, where applicable, provide information by generation units while at the same time protecting the confidentiality of commercially sensitive information and ensuring trading occurs in an anonymous manner;'</u>		
Article 1, first paragraph, point (4)				
93	(4) the following Articles 7a and 7b are inserted:	(4) the following Articles 7a and 7b are inserted:	(4) the following Articles 7a and 7b are inserted:	
Article 1, first paragraph, point (4), amending provision, first paragraph				
94	' Article 7a	' Article 7a	' Article 7a	
Article 1, first paragraph, point (4), amending provision, second paragraph				
95	Peak shaving product	Peak shaving product	Peak shaving product	
Article 1, first paragraph, point (4), amending provision, numbered paragraph (1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
96	<p>1. Without prejudice to Article 40(5) and 40(6) of the Electricity Directive, transmission system operators may procure peak shaving products in order to achieve a reduction of electricity demand during peak hours.</p>	<p>1. <i>Without prejudice to Article 40(5) and 40(6) By December 2024, ACER, after consulting ENTSO for Electricity, and the EU DSO Entity, shall carry out an assessment of the Electricity Directive, transmission possibility of system operators may to procure peak shaving products in order to achieve a reduction of electricity demand <u>and price</u> during peak hours. <u>That assessment shall take into consideration the need for peak shaving products not to distort the functioning of the electricity markets, and not to cause a redirection of demand response services towards peak shaving products. That assessment shall also take into account specific national developments and assess the possibility of procuring peak shaving products under normal circumstances on the one hand and during electricity price crisis declared in accordance with Article 66a of Directive ... [revised EMD Directive] on the other. The Commission shall, where appropriate, submit a legislative proposal to amend this Regulation</u></i></p>	<p>1. Where a regional or Union-wide electricity price crisis is declared in accordance with Article 66a of Directive (EU) 2019/944, and without prejudice to Article 40(5) and 40(6) of the Electricity Directive, transmission(6) of that Directive, Member States, may authorise system operators may to procure peak shaving products in order to achieve a reduction of electricity demand during in peak hours. Such procurement shall be limited to the duration set out in the decision adopted pursuant to Article 66a(1) of Directive (EU) 2019/944.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>in order to introduce peak shaving products outside electricity price crisis situations.</i></u>		
Article 1, first paragraph, point (4), amending provision, numbered paragraph (2)				
97	<p>2. Transmission system operators seeking to procure a peak shaving product shall submit a proposal setting out the dimensioning and conditions for the procurement of the peak shaving product to the regulatory authority of the Member State concerned. The proposal of the transmission system operator shall comply with the following requirements:</p>	<p>21a. Transmission <u><i>Where the Commission has adopted a decision declaring an electricity price crisis pursuant to Article 66a of Directive ... [revised EMD Directive] and taking into account the results of the Agency's assessment as referred to in paragraph 1, or existing assessments until the latter is carried out,</i></u> system operators seeking <u><i>may, during the application period of that decision, procure peak shaving products in order to achieve a reduction of electricity demand and price in peak hours.</i></u></p> <p><u><i>Where system operators seek</i></u> to procure a peak shaving product, <u><i>they</i></u> shall submit a proposal setting out the dimensioning and conditions for the procurement <u><i>and activation</i></u> of the peak shaving product to the regulatory authority of the Member State concerned. The proposal of the</p>	<p>2. Transmission System operators seeking to procure a peak shaving product shall submit a proposal setting out the dimensioning and conditions for the procurement and activation of the peak shaving product to the regulatory authority of the Member State concerned. The proposal of the transmission system operator shall comply with the following requirements:</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		transmission <u>relevant</u> system operator shall comply with the following requirements:		
Article 1, first paragraph, point (4), amending provision, numbered paragraph (2), point (a)				
98	(a) the dimensioning of the peak shaving product shall be based on an analysis of the need for an additional service to ensure security of supply. The analysis shall take into account a reliability standard or objective and transparent grid stability criteria approved by the regulatory authority. The dimensioning shall take into account the forecast of demand, the forecast of electricity generated from renewable energy sources and the forecast of other sources of flexibility in the system. The dimensioning of the peak shaving product shall be limited to ensure that the expected benefits of the product do not exceed the forecasted costs;	(a) the dimensioning of the peak shaving product shall be based on an analysis of the need for an additional service to ensure security of supply. The analysis shall take into account <u>the market impact of the peak shaving product, its expected costs and benefits and</u> a reliability standard or objective and transparent grid stability criteria approved by the regulatory authority. The dimensioning shall take into account the forecast of demand, the forecast of electricity generated from renewable energy sources and the forecast of other sources of flexibility in the system, <u>such as energy storage</u> . The dimensioning of the peak shaving product shall be <u>transparent, carried out after consulting market participants and</u> limited to ensure that the <u>forecasted costs do not exceed the expected benefits of the product and</u> do not exceed the forecasted costs <u>increase the greenhouse gas</u>	(a) the dimensioning of the peak shaving product shall be based on an analysis of the need for an additional service to ensure security of supply. The analysis shall take into account a reliability standard or objective and transparent grid stability criteria approved by the regulatory authority, of its impact on the market and of its expected costs and benefits . The dimensioning shall take into account the forecast of demand, the forecast of electricity generated from renewable energy sources and, the forecast of other sources of flexibility in the system, and the wholesale price impact of the avoided dispatch . The dimensioning of the peak shaving product shall be limited to ensure that forecasted costs do not exceed -the expected benefits of the product do not exceed the forecasted costs;;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>emissions of the energy system at the moment of its activation;</i></u>		
Article 1, first paragraph, point (4), amending provision, numbered paragraph (2), point (b)				
99	(b) the procurement of a peak shaving product shall be based on objective, transparent, non-discriminatory criteria and be limited to demand response;	(b) the procurement of a peak shaving product shall be based on objective, <u><i>market-based,</i></u> transparent, non-discriminatory criteria and be limited to demand response; <u><i>it shall not exclude participating assets from accessing other markets;</i></u>	(b) the procurement of a peak shaving product shall be based on objective, transparent, non-discriminatory criteria and be limited to demand response;	
Article 1, first paragraph, point (4), amending provision, numbered paragraph (2), point (c)				
100	(c) the procurement of the peak shaving product shall take place using a competitive bidding process, with selection based on the lowest cost of meeting pre-defined technical and environmental criteria;	(c) the procurement of the peak shaving product shall take place using a competitive bidding process, <u><i>which may be continuous,</i></u> with selection based on the lowest cost of meeting pre-defined technical and environmental criteria, <u><i>and shall allow the effective participation of small consumers, directly or through aggregation;</i></u>	(c) the procurement of the peak shaving product shall take place using a competitive bidding process, <i>which can be continuous,</i> with selection based on the lowest cost of meeting pre-defined technical and environmental criteria;	
Article 1, first paragraph, point (4), amending provision, numbered paragraph (2), point (ca)				
100a		<u><i>(ca) the minimum bid size shall</i></u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>be 100 kW, including through aggregation;</u>		
Article 1, first paragraph, point (4), amending provision, numbered paragraph (2), point (d)				
101	(d) contracts for a peak shaving product shall not be concluded more than two days before its activation and the contracting period shall be no longer than one day;	(d) contracts for a peak shaving product shall not be concluded more than two days <u>a week-ahead</u> before its activation and the contracting period shall be no longer than one day;	(d) contracts for a peak shaving product shall not be concluded more than two days a week before its activation and the contracting period shall be no longer than one day;	
Article 1, first paragraph, point (4), amending provision, numbered paragraph (2), point (e)				
102	(e) the activation of the peak shaving product shall not reduce cross-zonal capacity;	(e) the activation of the peak shaving product shall not reduce cross-zonal capacity;	(e) the activation of the peak shaving product shall not reduce cross-zonal capacity;	
Article 1, first paragraph, point (4), amending provision, numbered paragraph (2), point (f)				
103	(f) the activation of the peak shaving product shall take place after the closure of the day-ahead market and before the start of the balancing market;	(f) the activation of the peak shaving product shall take place after the closure of the day-ahead market and before the start of the balancing market;	(f) the activation of the peak shaving product shall take place after the closure of before or within the day-ahead market and before the start of the balancing market may be done based on a predefined electricity price;	
Article 1, first paragraph, point (4), amending provision, numbered paragraph (2), point (g)				
104				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(g) the peak shaving product shall not imply starting generation located behind the metering point.	(g) the peak shaving product shall not imply starting generation located behind the metering point.	(g) the peak shaving product shall not imply starting fossil fuel-based generation located behind the metering point.	
Article 1, first paragraph, point (4), amending provision, numbered paragraph (3)				
105	3. The actual reduction of consumption resulting from the activation of a peak shaving product shall be measured against a baseline, reflecting the expected electricity consumption without the activation of the peak shaving product. Transmission system operators shall develop a baseline methodology in consultation with market participants and submit it to the regulatory authority.	3. The actual reduction of consumption resulting from the activation of a peak shaving product shall be measured against a baseline, reflecting the expected electricity consumption without the activation of the peak shaving product. Transmission <u>Where a system operators</u> <u>operator decides to procure a peak shaving product in accordance with paragraph 2, second subparagraph of this Article, it</u> shall develop a baseline methodology in consultation with market participants and <u>in compliance with Article 23 of Directive (EU) 2019/944 and the procedures set out in the network code adopted pursuant to Article 59 and</u> submit it to the regulatory authority <u>for approval. Where the proposal referred to in paragraph 2, second subparagraph of this Article, does not meet the requirements laid down in that subparagraph, the regulatory</u>	3. The actual reduction of consumption resulting from the activation of a peak shaving product shall be measured against a baseline, reflecting the expected electricity consumption without the activation of the peak shaving product. Where a transmission system operators operator decides to procure a peak shaving product in accordance with paragraph 1 it shall develop a baseline methodology in consultation with market participants and submit it to the regulatory authority.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>authority shall request the system operator to amend the proposal.</u>		
Article 1, first paragraph, point (4), amending provision, numbered paragraph (4)				
106	4. Regulatory authorities shall approve the proposal of the transmission system operators seeking to procure a peak shaving product and the baseline methodology submitted in accordance with paragraphs 2 and 3 or shall request the transmission system operators to amend the proposal where it does not meet the requirements set out in these paragraphs.	<i>deleted</i>	4. Regulatory authorities shall approve the proposal of the transmission system operators seeking to procure a peak shaving product and the baseline methodology submitted in accordance with paragraphs 2 and 3 or shall request the transmission system operators to amend the proposal where it does not meet the requirements set out in these paragraphs.	
Article 1, first paragraph, point (4), amending provision, seventh paragraph				
107	Article 7b	Article 7b	Article 7b	
Article 1, first paragraph, point (4), amending provision, eighth paragraph				
108	Dedicated metering device	Dedicated metering <u>measurement</u> device	Dedicated metering <u>measurement</u> device	
Article 1, first paragraph, point (4), amending provision, numbered paragraph (1)				
109	1. "Member States shall allow	1. "Without prejudice to Article	1. "Member States shall	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	transmission system operators and distribution system operators to use data from dedicated metering devices for the observability and settlement of demand response and flexibility services, including from storage systems.	<u>19 of Directive (EU) 2019/944</u> , Member States shall allow <u>customers and market participants, including independent aggregators, with explicit consent from the owners and users</u> , transmission system operators and distribution system operators to <u>have access and</u> use data from dedicated metering <u>measurement</u> devices for the observability, <u>settlement and flexibility services as well as energy sharing and settlement of demand response and flexibility services</u> , including from <u>demand response and energy</u> storage systems <u>in accordance with the applicable Union data protection and privacy law, in particular Regulation (EU) 2016/679. Such data may be used for research purposes, provided that it has been aggregated and anonymised.</u>	allow Upon the consent of the final customer , transmission system operators and distribution system operators to may use data from dedicated metering measurement devices for the observability and settlement of demand response and flexibility services, including from storage systems.	
Article 1, first paragraph, point (4), amending provision, numbered paragraph (1a)				
109a			2. Where a final customer does not have a smart meter installed or where the smart meter of a final customer does not deliver the necessary data to provide demand response or flexibility	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			services, including through an independent aggregator, transmission system operators and distribution system operators shall accept the data from a dedicated measurement device, where available, for the settlement of demand response and flexibility services, including storage systems, and shall not discriminate against that final customer in their procurement of flexibility services. This obligation shall apply upon the establishment and subject to compliance with the rules and requirements established by the Member States pursuant to paragraph 3.	
Article 1, first paragraph, point (4), amending provision, numbered paragraph (2)				
110	2. Member States shall establish requirements for a dedicated metering device data validation process to check and ensure the quality of the respective data.;	2. Member States shall establish <u>harmonised</u> requirements for a dedicated metering <u>measurement</u> device data validation process to check and ensure the quality <u>and consistency</u> of the respective data, <u>and also the interoperability of new dedicated measurement devices installed after .;. [date of entry into force of this amending Regulation], in accordance with</u>	23. Member States shall establish requirements for a dedicated metering <u>measurement</u> device data validation process to check and ensure the quality of the respective data.;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>Article 23 of Directive (EU) 2019/944 and the procedures set out in the network code adopted pursuant to Article 59(1), point (e), of this Regulation and taking into account the relevant Union law on measurement instruments.</u>		
Article 1, first paragraph, point (4), amending provision, numbered paragraph (2a)				
110a		<u>2a. Where flexibility interventions are planned through the usage of such dedicated measurement devices, system operators shall be informed to ensure the electricity system stability.</u>		
Article 1, first paragraph, point (5)				
111	(5) Article 8 is amended as follows:	(5) Article 8 is amended as follows:	(5) Article 8 is amended as follows:	
Article 1, first paragraph, point (5)(a)				
112	(a) paragraph 1 is replaced by the following:	(a) paragraph 1 is replaced by the following:	(a) paragraph 1 is replaced by the following:	
Article 1, first paragraph, point (5)(a), amending provision, first paragraph				
113				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>NEMOs shall allow market participants to trade energy as close to real time as possible and at least up to the intraday cross-zonal gate closure time. By 1 January 2028, the intraday cross-zonal gate closure time shall be at the earliest 30 minutes ahead of real time.</p>	<p>NEMOs shall allow market participants to trade energy as close to real time as possible and at least up to the intraday cross-zonal gate closure time. By<u>From</u> 1 January 2028<u>2026</u>, the intraday cross-zonal gate closure time shall <u>not be earlier than 30 minutes ahead of real time, provided that this measure does not lead to an increase in greenhouse gas emissions. Regulatory authorities may, be at the earliest request of the relevant transmission system operator, grant a derogation from that requirement, until 1 January 2029. The request shall include:</u></p> <p><u>(a) an impact assessment, prepared in cooperation with NEMOs, and taking into account feedback from market participants, in accordance with Article 9 of Regulation (EU) 2015/1222, demonstrating the negative impacts of such a measure on the security of the national electricity system, cost-efficiency, integration of renewable energy and greenhouse gas emissions; and</u></p>	<p>1. NEMOs shall allow market participants to trade energy as close to real time as possible and at least up to the intraday cross-zonal gate closure time. By 1 January 2028<u>2026</u>, the intraday cross-zonal gate closure time shall be at the earliest 30 minutes ahead of real time. The regulatory authority of a given Member State may, at the request of the relevant transmission system operator, grant a derogation from the requirement in the first subparagraph, until 1 January 2029. Such request shall be submitted to the regulatory authority concerned and shall include:</p> <p>a) an impact assessment that demonstrates the need for the derogation, based on a risk for security of supply and taking into account feedback from market participants and NEMOs, and</p> <p>b) an action plan to shorten the intraday cross-zonal gate closure time to 30 minutes by no later than 1 January 2029.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u><i>(b) an action plan aiming to shorten the intraday cross-zonal gate closure time to 30 minutes by 1 January 2029.</i></u></p> <p><u><i>Regulatory authorities may, at the request of the relevant transmission system operator, grant a further derogation from the requirement referred to in the first subparagraph by a maximum of two years counting from the expiry of the period referred to in the second subparagraph. The request from the relevant transmission system operator shall be submitted to the regulatory authority of the requesting transmission system operator, the ENTSO for Electricity and ACER by 1 January 2029 and shall include:</i></u></p> <p><u><i>(a) a new impact assessment justifying the need for a further derogation, based on risks to the security of the national electricity system, cost-efficiency, the integration of renewable energy and greenhouse gas emissions, taking into account feedback from market participants and NEMOs; and</i></u></p>	<p>The regulatory authority may, at the request of the relevant transmission system operator, grant a further derogation from the requirement in the first subparagraph by a maximum of three years counting from expiry of the period referred to in the second subparagraph. The request from the transmission system operator shall be submitted to the national regulatory authority of the requesting transmission system operator, the ENTSO for Electricity and ACER no later than 1 January 2028 and shall include:</p> <p>(a) a new impact assessment justifying the need for a further derogation, based on risks to security of supply, taking into account feedback from market participants and NEMOs,</p> <p>(b) a revised action plan to shorten the intraday cross-zonal gate closure time to 30 minutes by the date for which extension is requested and no later than the date requested for the</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u><i>(b) a revised action plan to shorten the intraday cross-zonal gate closure time to 30 minutes ahead of within two years of the expiry of the first derogation period.</i></u></p> <p><u><i>ACER shall issue an opinion on the cross-border impact of the derogations referred to in the second and third subparagraphs within six months of receipt of a request for such derogations. The regulatory authority concerned shall take that opinion into account before deciding upon a request for a derogation.</i></u></p> <p><u><i>By 1 December 2027, the Commission, after consulting NEMOs, ENTSO for Electricity, ACER and relevant stakeholders, shall submit a report to the European Parliament and to the Council assessing the feasibility and practical solutions towards further decreasing the cross-zonal gate closure time in order to allow market participants to trade energy as close to real time as possible. The report shall consider the impacts on the electricity system security, the cost-</i></u></p>	<p>derogation.</p> <p>ACER shall issue an opinion regarding the cross-border impact of a further derogation as referred to in the third subparagraph within 6 months of receipt of a request for such further derogation. The concerned regulatory authority shall take these opinions into account before deciding upon a request for further derogation.’</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>efficiency, the benefits to the integration of renewable energy and to the reduction of greenhouse gas emissions.</u> ;		
Article 1, first paragraph, point (5)(b)				
114	(b) paragraph 3 is replaced by the following:	(b) paragraph 3 is replaced by the following:	(b) paragraph 3 is replaced by the following:	
Article 1, first paragraph, point (5)(b), amending provision, first paragraph				
115	‘NEMOs shall provide products for trading in day-ahead and intraday markets which are sufficiently small in size, with minimum bid sizes of 100kW or less, to allow for the effective participation of demand-side response, energy storage and small-scale renewables including direct participation by customers.’	‘NEMOs shall provide products for trading in day-ahead and intraday markets which are sufficiently small in size, with minimum bid sizes of 100kW <u>100 kW</u> or less, to allow for the effective participation of demand-side <u>demand</u> response, energy storage and small-scale renewables including direct participation by customers, <u>including through aggregation.</u> ’;	‘ 3. ‘NEMOs shall provide products for trading in day-ahead and intraday markets which are sufficiently small in size, with minimum bid sizes of 100kW or less, to allow for the effective participation of demand-side response, energy storage and small-scale renewables including direct participation by customers.’	
Article 1, first paragraph, point (6)				
116	(6) Article 9 is replaced by the following:	(6) Article 9 is replaced by the following:	(6) Article 9 is replaced by the following:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (6), amending provision, first paragraph				
117	‘ Article 9	‘ Article 9	‘ Article 9	
Article 1, first paragraph, point (6), amending provision, second paragraph				
118	Forward markets	Forward markets	Forward markets	
Article 1, first paragraph, point (6), amending provision, numbered paragraph (-1)				
118a		<u><i>-1. By ... [six months after the date of entry into force of this amending Regulation], transmission system operators shall issue long-term transmission rights or have equivalent measures in place to allow market participants, including owners of power-generating facilities using renewable energy, to hedge price risks across bidding zone borders. Long-term transmission rights shall be allocated, in accordance with Regulation (EU) 2016/1719, on a regular basis, in a transparent, market based and non-discriminatory manner, with a range of maturities of up to at least three years ahead. The</i></u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>frequency of allocation of the long-term cross-zonal capacity shall support the efficient functioning of the forward market. The transmission system operators shall develop an approach aiming to increase the volume of cross-zonal capacities in forward markets and liquidity.</u></p>		
Article 1, first paragraph, point (6), amending provision, numbered paragraph (-1a)				
118b		<p><u>-1a. By ... [12 months after the date of entry into force of this amending Regulation], the Commission, after consulting ENTSO for Electricity and relevant market stakeholders, shall conduct an assessment of the possible implementation of practical solutions addressing hedging needs of market parties. That assessment shall consider at least the following:</u></p> <p><u>(a) the frequency of auctions for long-term transmission rights;</u></p> <p><u>(b) adequate product maturities for transmission rights extended up to at least three years;</u></p> <p><u>(c) the development of a secondary market;</u></p> <p><u>(d) adoption of products such as financial transmission rights</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><i>obligations;</i> <i>(e) the improvement of investors' certainty and consumer price stability;</i> <i>(f) process on full cost-recovery to handle any financial risks and losses arising from these additional measures ensured by the regulatory authority;</i> <i>(g) the timeline for implementation.</i></p>		
Article 1, first paragraph, point (6), amending provision, numbered paragraph (1)				
119	<p>1. By 1 December 2024 the ENTSO for Electricity shall submit to ACER, after having consulted ESMA, a proposal for the establishment of regional virtual hubs for the forward market. The proposal shall:</p>	<p>1. By 1 December 2024 the... <u>[18 months after the date of entry into force of this amending Regulation], the Commission, after consulting ACER, ENTSO for Electricity and ESMA, including other relevant stakeholders,</u> shall submit to ACER, after having consulted ESMA, a proposal for the <u>European Parliament and to the Council an assessment of the impact of</u> the establishment of regional virtual hubs for the forward market <u>on the functioning of the electricity markets and where appropriate revise the Commission Regulation (EU) 2016/1719 in accordance with Article 59(1). The impact</u></p>	<p>1. By 1 December 2024 the ENTSO for Electricity The design of the Union's forward market shall submit to ACER, after having consulted ESMA, a proposal for the establishment of regional virtual hubs for the forward market. The proposal shall be based on regional virtual hubs supported by at least long-term transmission rights issued by transmission system operators, allowing price risk hedging across bidding zones.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		assessment. <i>The proposal</i> shall <u>focus, inter alia, on:</u>		
Article 1, first paragraph, point (6), amending provision, numbered paragraph (1), point (a)				
119a		<u>(-a) determining the impact of regional virtual hubs on at least the forward market, transmission system operators, market participants and end-consumers as well as the potential benefits and drawbacks that regional virtual hubs would bring as compared to the existing zonal model;</u>	2. 24 months after [the entry into force of this Regulation] the Commission shall, after completing an impact assessment, adopt an implementing act in accordance with Article 59, that establishes the design referred to in paragraph 1. This implementing act shall in particular:	
Article 1, first paragraph, point (6), amending provision, numbered paragraph (1a)				
120	(a) define the geographical scope of the virtual hubs for the forward market, including the bidding zones constituting these hubs, aiming to maximise the price correlation between the reference prices and the prices of the bidding zones constituting virtual hubs;	(a) define the <u>defining the adequate</u> geographical scope of the <u>regional</u> virtual hubs for the forward market , including the bidding zones constituting these hubs <u>and specific situations of bidding zones belonging to two or more virtual hubs</u> , aiming to maximise the price correlation between the reference prices and the prices of the bidding zones constituting <u>regional</u> virtual hubs;	(a) include a methodology to define the geographical scope of the regional virtual hubs for the forward market , including the bidding zones constituting these hubs, aiming to maximise the price correlation between the reference prices and the prices of the bidding zones constituting virtual hubs;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (6), amending provision, numbered paragraph (1), point (aa)				
120a		<u>(aa) giving due consideration to the level of electricity interconnectivity of Member States, in particular of those Member States below the interconnection targets for 2020 and 2030 laid down in Article 4, point (d)(1), of Regulation (EU) 2018/1999;</u>		
Article 1, first paragraph, point (6), amending provision, numbered paragraph (1b)				
121	(b) include a methodology for the calculation of the reference prices for the virtual hubs for the forward market, aiming to maximise the correlations between the reference price and the prices of the bidding zones constituting a virtual hub; such methodology shall be applicable to all virtual hubs and based on predefined objective criteria;	(b) include <u>evaluating</u> a methodology for the calculation of the reference prices for the <u>regional</u> virtual hubs for the forward market, aiming to maximise the correlations between the reference price and the prices of the bidding zones constituting a <u>regional</u> virtual hub; such methodology shall be applicable to all virtual hubs and based on predefined objective criteria;	(b) include a methodology for the calculation of the reference prices for the regional virtual hubs for the forward market , aiming to maximise the correlations between the reference price and the prices of the bidding zones constituting a regional virtual hub; such methodology shall be applicable to all virtual hubs and based on predefined objective criteria;	
Article 1, first paragraph, point (6), amending provision, numbered paragraph (1b), point (a)				
122	(c) include a definition of financial long-term transmission rights from	(c) include <u>including</u> a definition of financial long-term transmission	(c) include a definition of financial long-term transmission rights from	

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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (6), amending provision, numbered paragraph (1), point (db)				
123b		<u><i>(db) including an indicative implementation process.</i></u>		
Article 1, first paragraph, point (6), amending provision, numbered paragraph (2)				
124	2. Within six months of receipt of the proposal on the establishment of the regional virtual hubs for the forward market, ACER shall evaluate it and either approve or amend it. In the latter case, ACER shall consult the ENTSO for Electricity before adopting the amendments. The adopted proposal shall be published on ACER's website.	<i>deleted</i>	<i>deleted</i>	
Article 1, first paragraph, point (6), amending provision, numbered paragraph (3)				
125	3. The single allocation platform established in accordance with Regulation (EU) 2016/1719 shall have a legal form as referred to in Annex II to Directive (EU) 2017/1132 of the European Parliament and of the Council.	3. The single allocation platform established in accordance with Regulation (EU) 2016/1719 shall <u><i>act as an entity offering allocation and facilitating trading of long-term transmission rights on behalf of the transmission system operators. It shall</i></u> have a legal form as referred to in Annex II to Directive (EU) 2017/1132 of the	3. The single allocation platform established in accordance with Regulation (EU) 2016/1719 shall act as an entity offering allocation and facilitating trading of long-term transmission rights on behalf of transmission system operators. It shall have a legal form as referred to in Annex II to Directive (EU)	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		European Parliament and of the Council.	2017/1132 of the European Parliament and of the Council ¹ . 1. Directive (EU) 2017/1132 of the European Parliament and of the Council of 14 June 2017 relating to certain aspects of company law (OJ L 169, 30.6.2017, p. 46).	
Article 1, first paragraph, point (6), amending provision, numbered paragraph (4)				
126	4. The single allocation platform shall:	4. The single allocation platform shall:	<i>deleted</i>	
Article 1, first paragraph, point (6), amending provision, numbered paragraph (4), point (a)				
127	(a) offer trading of long-term transmission rights between each bidding zone and virtual hub; where a bidding zone is not part of a virtual hub it may issue financial long-term transmission rights to a virtual hub or to other bidding zones that are part of the same capacity calculation region;	(a) offer trading of long-term transmission rights between each bidding zone and, <i>where relevant, regional</i> virtual hub; where a bidding zone is not part of a virtual hub it may issue financial long-term transmission rights to a virtual hub or to other bidding zones that are part of the same capacity calculation region;	<i>deleted</i>	
Article 1, first paragraph, point (6), amending provision, numbered paragraph (4), point (b)				
128	(b) allocate long-term cross-zonal capacity on a regular basis and in a transparent, market-based and non-	(b) allocate long-term cross-zonal capacity on a regular basis and in a transparent, market-based and non-	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	discriminatory manner; the frequency of allocation of the long-term cross-zonal capacity shall support the efficient functioning of the forward market;	discriminatory manner; the frequency of allocation of the long-term cross-zonal capacity shall support the efficient functioning of the forward market;		
<i>Article 1, first paragraph, point (6), amending provision, numbered paragraph (4), point (c)</i>				
129	(c) offer trading of financial transmission rights that shall allow holders of these financial transmission rights to remove exposure to positive and negative price spreads, and with frequent maturities of up to at least three years ahead.	(c) offer trading of financial transmission rights that shall allow holders of these financial transmission rights to remove exposure to positive and negative price spreads, and with frequent maturities of up to at least three years ahead.	<i>deleted</i>	
<i>Article 1, first paragraph, point (6), amending provision, numbered paragraph (5)</i>				
130	5. Where a regulatory authority considers that there are insufficient hedging opportunities available for market participants, and after consultation of relevant financial market competent authorities in case the forward markets concern financial instruments as defined under Article 4(1)(15), it may require power exchanges or transmission system operators to implement additional measures, such as market-making activities,	5. Where a regulatory authority <u>on the basis of the assessment referred to in paragraph 1 of this Article</u> considers that there are insufficient hedging opportunities available for market participants, and after consultation of relevant financial market competent authorities in case the forward markets concern financial instruments as defined <u>under in Article 4(1), point (15), of Directive (EU) 2014/65,</u>	5. Where a regulatory authority considers that there are insufficient hedging opportunities available for market participants, and after consultation of relevant financial market competent authorities in case the forward markets concern financial instruments as defined under Article 4(1) point (15) of Article 4(1) of Directive 2014/65/EU of the European Parliament and of the Council¹ , it may require power exchanges or	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	to improve the liquidity of the forward market. Subject to compliance with Union competition law and with Directive (EU) 2014/65 and Regulations (EU) 648/2012 and 600/2014, market operators shall be free to develop forward hedging products, including long-term forward hedging products, to provide market participants, including owners of power-generating facilities using renewable energy sources, with appropriate possibilities for hedging financial risks against price fluctuations. Member States shall not require that such hedging activity may be limited to trades within a Member State or bidding zone.	<u>regulatory authorities</u> (15) , # may require power exchanges or transmission system operators to implement additional measures, such as market-making activities, to improve the liquidity of the forward market. Subject to compliance with Union competition law and with Directive (EU) 2014/65 and Regulations (EU) 648/2012 <u>No 648/2012</u> and 600/2014, market operators shall be free to develop forward hedging products, including long-term forward hedging products, to provide market participants, including owners of power-generating facilities using renewable energy sources, with appropriate possibilities for hedging financial risks against price fluctuations. Member States shall not require that such hedging activity may be limited to trades within a Member State or bidding zone. 3	transmission system operators to implement additional measures, such as market-making activities, to improve the liquidity of the forward market. Subject to compliance with Union competition law and with Directive (EU) 2014/65 and Regulations (EU) 648/2012 and 600/2014, market operators shall be free to develop forward hedging products, including long-term forward hedging products, to provide market participants, including owners of power-generating facilities using renewable energy sources, with appropriate possibilities for hedging financial risks against price fluctuations. Member States shall not require that such hedging activity may be limited to trades within a Member State or bidding zone. 1. Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349).	
	Article 1, first paragraph, point (6), amending provision, numbered paragraph (5a)			
130a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>6. Subject to compliance with Union competition law and with Directive (EU) 2014/65 and Regulations (EU) 648/2012 of the European Parliament and of the Council¹ and 600/2014 of the European Parliament and of the Council², market operators may develop forward hedging products, including long-term forward hedging products, to provide market participants, including owners of power-generating facilities using renewable energy sources, with appropriate possibilities for hedging financial risks against price fluctuations. Member States shall not require that such hedging activity may be limited to trades within a Member State or bidding zone.</p> <p><small>1. Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (OJ L 201, 27.7.2012, p. 1). 2. Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 (OJ L 173, 12.6.2014, p. 84)</small></p>	

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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>including anticipatory investments, in order to increase efficiencies, including energy efficiency, to foster market integration and security of supply, to support the use of flexibility services, efficient investments including solutions to optimise the existing grid and facilitate demand response and related research activities, and to facilitate innovation in the interest of consumers in areas such as digitalisation, flexibility services and interconnection;</p>	<p>both the short and long run, including anticipatory investments, in order <u>to invest in network infrastructure reinforcement to facilitate the energy transition and in the additional physical and digital network elements needed to reach the objectives set out in the national energy and climate plans, and at the same time</u> to increase efficiencies, including energy efficiency, to foster market integration, <u>renewable energy production capacity</u> and security of supply, to support the use of flexibility services, <u>to enable the use of flexible connection arrangements</u>, efficient <u>and timely</u> investments, including solutions to optimise the existing grid and <u>to ensure the development of a smart grid and</u> facilitate <u>energy storage</u>, demand response and related research activities, <u>to reduce environmental impact, to promote acceptance</u>, and to facilitate innovation in the interest of consumers in areas such as digitalisation, flexibility services and interconnection, <u>in particular to develop the required infrastructure to reach the minimum 15 % electricity</u></p>	<p>including anticipatory investments, in order to increase efficiencies, including energy efficiency, to foster market integration, the integration of renewable energy and security of supply, to support the use of flexibility services, efficient and timely investments including solutions to optimise the existing grid and facilitate non-fossil flexibility, including energy storage, related research activities, and to facilitate innovation in the interest of consumers in areas such as digitalisation, flexibility services and interconnection";</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>interconnection target for 2030 laid down in Article 4, point (d)(1), of Regulation (EU) 2018/1999.</u></p> <p><u>The regulatory authorities, in cooperation with transmission and distribution system operators, including other relevant stakeholders, shall develop a framework to assess whether transmission and distribution system operators adequately consider in their network development plans all types of anticipatory investments, such as investments for the development of grids linked to renewables acceleration areas, electric vehicle charging infrastructure or heat pump deployment, and adequate cost-benefit analysis methodology for assessing the impact of such investments.</u>;</p> <p>”</p>		
Article 1, first paragraph, point (7)(ab)				
133a		<p><u>(ab) paragraph 3 is replaced by the following:</u></p>		
Article 1, first paragraph, point (7)(ab), amending provision, first paragraph				
133b				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p>"</p> <p><u>3. Where appropriate, the level of the tariffs applied to producers or final customers, or both shall provide locational investment signals, such as incentives via tariff structure, to reduce re-dispatching and power grid reinforcement costs, at Union level, and take into account the amount of network losses and congestion caused, and investment costs for infrastructure.</u>';</p> <p>"</p>		
Article 1, first paragraph, point (7)(b)				
134	(b) paragraph 8 is replaced by the following:	(b) paragraph 8 is replaced by the following:	(b) paragraph 8 is replaced by the following:	
Article 1, first paragraph, point (7)(b), amending provision, numbered paragraph (8)				
135	<p>“</p> <p>8. Transmission and distribution tariff methodologies shall provide incentives to transmission and distribution system operators for the most cost-efficient operation and development of their networks including through the procurement of services. For that purpose, regulatory authorities shall</p>	<p>“</p> <p>8. Transmission and distribution tariff methodologies shall provide incentives to transmission and distribution system operators for the most cost-efficient operation and development of their networks including through the procurement of services. For that purpose, regulatory authorities shall</p>	<p>“</p> <p>8. Transmission and distribution tariff methodologies shall provide incentives to transmission and distribution system operators for the most cost-efficient operation and development of their networks including through the procurement of services. For that purpose, regulatory authorities shall</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	recognise relevant costs as eligible, shall include those costs in transmission and distribution tariffs, and shall introduce performance targets in order to provide incentives to transmission and distribution system operators to increase efficiencies in their networks, including through energy efficiency, the use of flexibility services and the development of smart grids and intelligent metering systems.	recognise relevant costs as eligible, <u>including those related to anticipatory investments</u> , shall include those costs in transmission and distribution tariffs, and, <u>where applicable</u> , shall introduce performance targets in order to provide incentives to transmission and distribution system operators to increase <u>efficiencies overall system efficiency, quality and security of supply</u> in their networks, including through energy efficiency <u>by applying the energy efficiency first principle as defined in Article 2, point (18), of Regulation (EU) 2018/1999</u> , the use of flexibility <u>and demand response</u> services and the development of smart grids and intelligent metering systems <u>in accordance with the features of the given electricity system and climate policy objectives</u> .	recognise relevant costs as eligible, shall include those costs in transmission and distribution tariffs, and shall where appropriate , introduce performance targets in order to provide incentives to transmission and distribution system operators to increase efficiencies in their networks, including through energy efficiency, the use of flexibility services and the development of smart grids and intelligent metering systems.	
Article 1, first paragraph, point (7)(b), amending provision, numbered paragraph (8a)				
135a		<u>8a. Transmission and distribution system operators shall offer the possibility of establishing flexible connection agreements in those areas where there is limited or no network capacity availability for</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u><i>new connections, which shall be published in accordance with Article 50(4a), first subparagraph, of this Regulation and Article 31(3) of Directive (EU) 2019/944. Such flexible connection agreements shall specify the following:</i></u></p> <p><u><i>(a) the maximum firm import and export of electricity from and to the grid, as well as the additional flexible import and export capacity that can be connected and differentiated by time blocks throughout the year;</i></u></p> <p><u><i>(b) the network charges applicable to both the firm and flexible import and export capacities;</i></u></p> <p><u><i>(c) the probabilities of curtailment if the maximum firm capacity is exceeded;</i></u></p> <p><u><i>(d) the agreed duration of the flexible connection agreement and the agreed date for granting connection to the entire requested firm capacity.</i></u></p> <p><u><i>The system user requesting a flexible grid connection shall be requested to install a power control system that is certified by a national standardisation body. Regulatory authorities shall</i></u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>ensure that flexible connection agreements are not used as a permanent alternative and thus do not delay approved network reinforcement in the identified areas.’;</u>	”	
Article 1, first paragraph, point (7)(c)				
136	(c) in paragraph 9, point (f) is replaced by the following:	(c) in paragraph 9, point (f) is replaced by the following:	(c) in paragraph 9, point (f) is replaced by the following:	
Article 1, first paragraph, point (7)(c), amending provision, first paragraph				
137	‘ (f) methods to ensure transparency in the setting and structure of tariffs, including anticipatory investments; ’	‘ (f) methods to ensure transparency in the setting and structure of tariffs, including anticipatory investments <u>determined in close consultation with relevant stakeholders, including from transport and heating and cooling sector, in line with the relevant Union and national energy objectives, and take into account the acceleration areas as defined in Article 2, point (9a), of Directive (EU) 2018/2001;</u> ’	‘ (f) methods to ensure transparency in the setting and structure of tariffs, including anticipatory investments; ’	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (7)(d)				
138	(d) in paragraph 9, the following point (i) is added:	(d) in paragraph 9, the following point (i) is added:	(d) in paragraph 9, the following point (i) is added:	
Article 1, first paragraph, point (7)(d), amending provision, first paragraph				
139	(i) incentives for efficient investments in networks, including on flexibility resources and flexible connection agreements.	(i) incentives for efficient investments in networks, including on flexibility flexible resources and flexible connection agreements.	(i) incentives for efficient investments in networks, including on flexibility resources and flexible connection agreements.	
Article 1, first paragraph, point (8)				
140	(8) in Article 19, paragraph 2 is amended as follows:	(8) in Article 19, paragraph 2 is amended as follows:	(8) in Article 19, paragraph 2 is amended as follows:	
Article 1, first paragraph, point (8)(a)				
141	(a) point (b) is replaced by the following:	(a) point (b) is replaced by the following:	(a) point (b) is replaced by the following:	
Article 1, first paragraph, point (8)(a), amending provision, first paragraph				
142	(b) maintaining or increasing cross-zonal capacities through optimisation of the usage of	(b) maintaining or maximising and increasing cross-zonal capacities through optimisation of the usage of	(b) maintaining or increasing cross-zonal capacities through optimisation of the usage of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	existing interconnectors by means of coordinated remedial actions, where applicable, or covering costs resulting from network investments that are relevant to reduce interconnector congestion; or	of existing interconnectors by means of coordinated remedial actions, where applicable, or covering costs resulting from network investments that are relevant to reduce interconnector congestion; or;	existing interconnectors by means of coordinated remedial actions, where applicable, or covering costs resulting from network investments that are relevant to reduce interconnector congestion; or	
Article 1, first paragraph, point (8)(b)				
143	(b) the following point (c) is added:	(b) the following point (c) is added:	(b) the following point (e) is added:	
Article 1, first paragraph, point (8)(b), amending provision, first paragraph				
144	(c) compensating offshore generation plant operators in an offshore bidding zone if access to interconnected markets has been reduced in such a way that one or more transmission system operators have not made enough capacity available on the interconnector or the critical network elements affecting the capacity of the interconnector, resulting in the offshore plant operator not being able to export its electricity generation capability to the market.	(c) compensating offshore generation plant operators in an <u>as part of the permitting process and following a coordinated decision taken by the Member States concerned, on the implementation of offshore bidding zone if access to interconnected markets has been reduced in such a way that one or more transmission system operators have not made zones and on the design of the support mechanism, contributing to the partial compensation to offshore renewable generators in an</u>	(c) compensating offshore renewable electricity generation plant operators in an offshore bidding zone directly connected to two or more bidding zones if access to interconnected markets has been reduced in such a way that it results in the offshore renewable electricity plant operator not being able to export its electricity generation capability to the market and, where relevant, a corresponding price decrease in the offshore bidding zone, as compared to	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><i>offshore bidding zone where there is not enough capacity available on the interconnector as agreed in the connection agreement or in or the critical network elements affecting the capacity of the interconnector, resulting in pursuant to capacity calculation rules laid down in Article 16 (3), (8) and (9), leading to the simultaneous loss of revenue of the offshore plant operator not being able to export its electricity generation capability to the renewable generator and an excess revenue on the interconnector, provided that any consumption in the bidding zone is not a co-driver of the price formation; only the excess interconnector revenue shall be used for the compensation of offshore renewable generators. On an annual basis, the total compensation of all generators in the concerned bidding zone shall not exceed the total congestion income generated on interconnectors between the offshore bidding zone and neighbouring bidding zones concerned during the specific market settlement periods where such compensation applies.</i></p>	<p>without capacity reductions. The compensation applies where one or more transmission system operators have not made enough available the capacity available agreed in the connection agreement on the interconnector or have not made available the capacity on the critical network elements affecting pursuant to the capacity calculation rules in Article 16 (8) of Regulation (EU) 2019/943. On an annual basis, this compensation shall not exceed the total congestion income generated on interconnectors between the concerned bidding zones of the interconnector, resulting in the offshore plant operator not being able to export its electricity generation capability to the market.'</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>By 31 December 2024, the Commission shall amend Regulation (EU) 2015/1222 in accordance with Article 59 of this Regulation as regards the implementation details of the partial compensation, outlining a methodology for calculation of the partial compensation and including the conditions under which the measure may expire.</i></u> ;		
Article 1, first paragraph, point (9)				
145	(9) The following chapter IIIa is inserted:	(9) The following chapter IIIa is inserted:	(9) The following chapter IIIa is inserted:	
Article 1, first paragraph, point (9), amending provision, first paragraph				
146	‘ Chapter IIIa	‘ Chapter IIIa	‘ Chapter IIIa	
Article 1, first paragraph, point (9), amending provision, second paragraph				
147	Specific investment incentives to achieve the Union’s decarbonisation objectives	Specific investment incentives to achieve the Union’s decarbonisation objectives	Specific investment incentives to achieve the Union’s decarbonisation objectives	
Article 1, first paragraph, point (9), amending provision, third paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
148	Article 19a	Article 19a	Article 19a	
Article 1, first paragraph, point (9), amending provision, fourth paragraph				
149	Power purchase agreements	Power purchase agreements	Power purchase agreements	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (1)				
150	<p>1. Member States shall facilitate power purchase agreements ('PPAs') with a view to reaching the objectives set out in their integrated national energy and climate plan with respect to the dimension decarbonisation referred to in point (a) of Article 4 of Regulation (EU) 2018/1999, while preserving competitive and liquid electricity markets.</p>	<p>1. Member States shall <u>remove barriers and</u> facilitate power purchase agreements ('PPAs'), <u>in particular renewables power purchase agreements</u> with a view to reaching the objectives set out in their integrated national energy and climate plan with respect to the dimension decarbonisation referred to in <u>Article 4</u>, point (a) of Article 4, of Regulation (EU) 2018/1999, <u>and to ensure more predictable electricity prices</u> while preserving competitive and liquid electricity markets. <u>In order to ensure the removal of barriers to PPAs, the Commission may draw up specific guidance on how to alleviate administrative obligations and accounting complexities related to PPAs.</u></p>	<p>1. Without prejudice to Directive (EU) 2018/2001, Member States shall promote the uptake of facilitate power purchase agreements ('PPAs'), including by removing unjustified barriers and disproportionate or discriminatory procedures or charges, with a view to providing price predictability and reaching the objectives set out in their integrated national energy and climate plan with respect to the decarbonisation dimension decarbonisation referred to in point (a) of Article 4 of Regulation (EU) 2018/1999, while preserving competitive and liquid electricity markets.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (9), amending provision, numbered paragraph (1a)				
150a		<u><i>1a. By 31 December 2024, the Commission, in cooperation with NEMOs, shall establish a market platform for PPAs, to be used on a voluntary basis, including the optional standardised PPAs referred to in Article 19ab, while avoiding that such trade lowers liquidity in existing electricity markets. The platform shall facilitate the pooling of demand for PPAs through aggregation.</i></u>		
Article 1, first paragraph, point (9), amending provision, numbered paragraph (2)				
151	2. Member States shall ensure that instruments such as guarantee schemes at market prices, to reduce the financial risks associated to off-taker payment default in the framework of PPAs are in place and accessible to customers that face entry barriers to the PPA market and are not in financial difficulty in line with Articles 107 and 108 TFEU. For this purpose, Member States shall take into account Union-level instruments. Member States shall determine what categories of customers are	2. Member States shall ensure that instruments such as guarantee schemes at market prices, <u>in a coordinated manner and where appropriate with the support of the European Investment Bank ('EIB') or other Union-level facilities shall ensure that instruments</u> to reduce the financial risks associated to off-taker payment default in the framework of PPAs are in place and accessible to customers that face entry barriers to the PPA market and are not in financial difficulty in line	2. Member States shall ensure that instruments such as guarantee schemes at market prices, to reduce the financial risks associated to off-taker payment default in the framework of PPAs are in place and accessible to customers that face entry barriers to the PPA market and are not in financial difficulty. Such instruments may include, but are not limited to, state-backed guarantee schemes at market prices, private guarantees, or facilities pooling demand for	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	targeted by these instruments, applying non-discriminatory criteria.	with Articles 107 and 108 TFEU. <u>Such instruments shall facilitate the pooling of demand for PPAs and may include, inter alia, guarantee schemes at market prices or private guarantees in compliance with relevant Union law.</u> For that For this purpose, Member States shall take into account Union-level instruments. Member States shall determine what categories of customers are targeted by these instruments, applying non-discriminatory criteria <u>among each category of customers, in particular, microenterprises, SMEs, households, including via aggregators, renewable energy communities, citizen energy communities and suppliers with no generation assets.</u>	PPAs, in compliance with relevant Union law in line with Articles 107 and 108 TFEU. For this purpose, Member States shall may take into account relevant Union-level instruments facilities . Member States shall may determine what categories of customers are targeted by these instruments, applying non-discriminatory criteria.	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (3)				
152	3. Guarantee schemes for PPAs backed by the Member States shall include provisions to avoid lowering the liquidity in electricity markets and shall not provide support to the purchase of generation from fossil fuels.	3. Guarantee schemes for PPAs backed by the Member States, <u>the EIB or other Union-level facilities</u> shall include provisions to avoid lowering the liquidity in electricity markets and , shall not provide support to the purchase of generation from fossil fuels <u>and</u>	3. Without prejudice to Articles 107 and 108 TFEU, if a guarantee scheme scheme for PPAs is backed by the Member States State it shall include provisions to avoid lowering the liquidity in electricity markets and shall not provide support to the purchase of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>shall not prevent the subjected generators to participate in balancing and ancillary services markets. Where conditions allow, those guarantee schemes shall exclusively support the purchase of new renewable generation.</i></u>	generation from fossil fuels.	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (4)				
153	4. In the design of the support schemes for electricity from renewable sources, Member States shall allow the participation of projects which reserve part of the electricity for sale through a PPA or other market-based arrangements and endeavour to make use of evaluation criteria to incentivise the access to the PPA market for customers that face entry barriers. In particular, such evaluation criteria may give preference to bidders presenting a signed PPA or a commitment to sign a PPA for part of the project's generation from one or several potential buyers that face entry barriers to the PPA market.	4. In the design of the Support schemes for electricity from renewable sources, Member States shall allow the participation of projects which reserve part of the electricity for sale through a <u>renewables</u> PPA or other market-based arrangements, <u>provided that the two parties and endeavour to make use of evaluation criteria to incentivise the access to the PPA market for customers that face entry barriers. In particular, such evaluation criteria may give preference to bidders presenting a signed PPA or a commitment to sign a PPA for part of the project's generation from one or several potential buyers that face entry barriers to the PPA market are not controlled by the same entity unless the buyer acts as an aggregator of customers that face</u>	4. In the design of the Support schemes for electricity from renewable sources, Member States shall allow the participation of projects which reserve part of the electricity for sale through a PPA or other market-based arrangements and endeavour to make use of evaluation criteria to incentivise the access to the PPA market for customers that face entry barriers. In particular, such evaluation criteria may give preference to bidders presenting a signed PPA or a commitment to sign a PPA for part of the project's generation from one or several potential buyers that face entry barriers to the PPA market.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>entry barriers to the PPA market, and provided that double commitment of the same capacity is avoided.</u>		
Article 1, first paragraph, point (9), amending provision, numbered paragraph (4a)				
153a		<u>4a. In the design of such support schemes Member States shall endeavour to make use of evaluation criteria to incentivise bidders to facilitate the access of customers that face entry barriers to the PPA market, provided this does not negatively affect competition in the market.</u>	5. In the design of such support schemes Member States shall endeavour to make use of evaluation criteria to incentivise bidders to facilitate the access of customers that face entry barriers to the PPA market, provided this does not negatively affect competition in the market. In particular, such evaluation criteria may give preference to bidders presenting a signed PPA or a commitment to sign a PPA for part of the project's generation from one or several potential buyers that face entry barriers to the PPA market.	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (5)				
154	5. PPAs shall specify the bidding zone of delivery and the responsibility for securing cross-zonal transmission rights in case of a change of bidding zone in	5. PPAs shall specify the bidding zone of delivery and the responsibility for securing cross-zonal transmission rights in case of a change of bidding zone in	56. PPAs shall specify the bidding zone of delivery and the responsibility for securing cross-zonal transmission rights in case of a change of bidding zone in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	accordance with Article 14.	accordance with Article 14.	accordance with Article 14.	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (6)				
155	6. PPAs shall specify the conditions under which customers and producers may exit from PPAs, such as any applicable exit fees and notice periods, in accordance with Union competition law.	6. PPAs shall specify the conditions under which customers and producers may exit from PPAs, such as any applicable exit fees and notice periods, in accordance with Union competition law.	67. PPAs shall specify the conditions under which customers and producers may exit from PPAs, such as any applicable exit fees and notice periods, in accordance with Union competition law.	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (6a)				
155a		<u>6a. Member States shall ensure that regulatory measures are not revised in a way that alters the terms of, or is detrimental to, PPAs that have been signed before the date of entry into force of the regulatory measure.</u>		
Article 1, first paragraph, point (9), amending provision, numbered paragraph (6b)				
155b		<u>6b. By January 2026 and every two years thereafter, the Commission shall assess whether barriers persist and whether there is sufficient transparency in the PPAs markets.</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (9), amending provision, fourth paragraph a				
155c		<u>Article 19aa</u> <u>Union PPA database</u>		
Article 1, first paragraph, point (9), amending provision, sixteenth paragraph				
155d		<u>1. ACER shall establish, maintain, and manage a Union PPA database (the 'Database'). The Database shall function as a digital platform and shall be used to facilitate ACER's and regulatory authorities' monitoring of relevant information on the PPAs signed in the Union. Regulatory authorities may establish similar databases at national level.</u>		
Article 1, first paragraph, point (9), amending provision, seventeenth paragraph				
155e		<u>2. For the purpose of setting up the Database, market participants entering into PPAs, or persons acting on their behalf, shall provide ACER the details of the PPAs. Market participants who have reported records of PPAs in accordance with Regulation (EU) No 1227/2011</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>and Regulation (EU) No 648/2012 shall not be subject to double reporting obligations relating to those contracts.</i></u>		
Article 1, first paragraph, point (9), amending provision, eighteenth paragraph				
155f		<u><i>3. On the basis of the information collected, ACER shall publish an annual report on the PPA market at Union and Member State level as part of the monitoring report referred to in Article 15 of Regulation (EU) 2019/942.</i></u>		
Article 1, first paragraph, point (9), amending provision, nineteenth paragraph				
155g		<u><i>4. ACER shall develop the technical and functional specifications of the Database, including the interoperable data exchange mechanism for the information exchange with regulatory authorities' and the format for electronic submissions. ACER shall ensure that the Database is fully operational by ... [12 months after the date of entry into force of this amending Regulation].</i></u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (9), amending provision, twentieth paragraph				
155h		<u>5. The Commission shall, by means of implementing acts, specify the details, timing and form of reporting. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2).</u>		
Article 1, first paragraph, point (9), amending provision, twenty-first paragraph				
155i		<u>Article 19ab</u> <u>Voluntary standardised PPAs</u>		
Article 1, first paragraph, point (9), amending provision, twenty-second paragraph				
155j		<u>ACER, together with the NEMOs and, after consulting the relevant stakeholders, shall develop standardised PPAs designed to simplify the procedure and to match the risk profile of customers of different size. The use of those standardised PPAs shall be voluntary for the contracting parties. Standardised PPAs shall have, inter alia, the following characteristics:</u> <u>(a) offer a variety of short term</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>contract durations, including of up to five years;</u> <u>(b) offer electricity supply at different timeframes;</u> <u>(c) provide different price formulas;</u> <u>(d) consider the load profile required by the customer.</u> <u>The standardised contracts may also specify the conditions under which customers and producers may exit from PPAs, such as any applicable exit fees and notice periods, in accordance with Union competition law.</u></p>		
Article 1, first paragraph, point (9), amending provision, twenty-third paragraph				
155k		<p><u>Article 19ac</u> <u>European Renewable Energy Auction Scheme</u></p>		
Article 1, first paragraph, point (9), amending provision, twenty-fourth paragraph				
155l		<p><u>1. Where, on the basis of its assessment of the draft integrated national energy and climate plans pursuant to Article 9 of the Regulation (EU) 2018/1999, the Commission concludes that the contributions of the Member States are insufficient for the</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>achievement of the additional 2,5 % to attain the target of 45 % share of energy from renewable sources in the Union's gross final consumption of energy in 2030 pursuant to Directive (EU) 2018/2001, the Commission shall take additional measures to achieve that target which may include instruments at Union level, such as European wide auctions, in particular additional Union backed guarantees for PPAs as well as two-way contracts for differences to support the deployment of additional renewable energy capacities corresponding to at least the additional 2,5 % to achieve the Union target of 45 %.</u></p>		
Article 1, first paragraph, point (9), amending provision, twenty-fifth paragraph				
155m		<p><u>2. The additional measures referred to in paragraph 1 may include investments into co-located infrastructure or storage to enable the power system integration of the renewable electricity generated.</u></p>		
Article 1, first paragraph, point (9), amending provision, eleventh paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
156	Article 19b	Article 19b	Article 19b	
Article 1, first paragraph, point (9), amending provision, twelfth paragraph				
157	Direct price support schemes for new investments in generation	Direct price support schemes for new investments in <u>electricity</u> generation	Direct price support schemes in the form of two-way contracts for difference for new investments in generation	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (6a), first subparagraph				
158	1. Direct price support schemes for new investments for the generation of electricity from the sources listed in paragraph 2 shall take the form of a two-way contract for differences. New investments for the generation of electricity shall include investments in new power-generating facilities, investments aimed at repowering existing power-generating facilities, investments aimed at extending existing power-generating facilities or at prolonging their lifetime.	1. Direct price support schemes for new investments for the generation of electricity from the sources listed in paragraph 2 shall take the form of a two-way contract <u>two-way contracts</u> for differences, <u>or equivalent schemes achieving the same goals after assessment and approval by the Commission on the equivalence of such schemes. The participation in such schemes shall be voluntary for the market participants. Such schemes shall be allocated through a competitive, open, transparent, non-discriminatory, and cost-effective procedure, in accordance with State aid rules, preventing undue distortions to the efficient</u>	1. Direct price support schemes for investments in new power-generating facilities new investments for the generation of electricity from the sources listed in paragraph 2 shall take the form of a two-way contract contracts for differences. New investments for the generation of electricity shall include investments in new power-generating facilities, investments aimed at repowering existing power-generating facilities, investments aimed at extending existing power-generating facilities or at prolonging their lifetime.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>functioning of electricity markets and retaining incentives to operate and participate efficiently in the electricity markets.</u> New investments for the generation of electricity shall include investments in new power-generating facilities; or investments aimed at repowering <u>aiming to repower</u> existing power-generating facilities; or investments aimed at extending <u>aiming to extend</u> existing power-generating facilities or at prolonging their lifetime <u>if the increase of power generation capacity is substantial.</u></p>		
Article 1, first paragraph, point (9), amending provision, numbered paragraph (6a), second subparagraph				
158a		<p><u>For the investments aiming to extend existing power-generating facilities, two-way contracts for differences shall be strictly limited to the share of the total power-generation capacity that reflects the costs of the new investment in relation to the total investment costs of the power-generating facility.</u></p>	<p>The first subparagraph shall apply to contracts under direct price support schemes for investments in new generation concluded as of three years after [the date of entry into force of this Regulation]. For offshore hybrid asset projects connected to two or more bidding zones, the transitional period shall be five years after [the date of entry into force of this Regulation].</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 1, first paragraph, point (9), amending provision, numbered paragraph (6a), third subparagraph			
158b		<u>The first subparagraph shall apply to contracts under direct price support schemes for new investments in generation concluded as of ... [one year after the date of entry into force of this amending Regulation].</u>	The participation of market participants in direct price support schemes in the form of two-way contracts for difference shall be voluntary.	
	Article 1, first paragraph, point (9), amending provision, numbered paragraph (6b)			
158c		<u>Member States shall ensure that the volume and level of two-way contracts for differences not issued as part of a competitive bidding process under the Directive (EU) 2018/2001, do not surpass the level and volume of those issued as part of competitive bidding processes in their respective Member State.</u>	1a. All direct price support schemes in the form of two-way contracts for difference shall be designed to:	
	Article 1, first paragraph, point (9), amending provision, numbered paragraph (6b), point (a)			
158d			(a) preserve incentives for the generating facility to operate and participate efficiently in the electricity markets, in particular to reflect market circumstances.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (9), amending provision, numbered paragraph (6b), point (b)				
158e			(b) Prevent any distortive effect of the support scheme on the operation, dispatch and maintenance decisions of the generating facility or on bidding behaviour in day-ahead, intraday, ancillary services and balancing markets;	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (6b), point (c)				
158f			(c) ensure that the level of the minimum remuneration protection and of the upward limit to excess remuneration are aligned with the cost of the new investment, the market revenues, to guarantee the long-term economic viability of the power generating facility while avoiding overcompensation;	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (6b), point (d)				
158g			(d) avoid undue distortions to competition and trade in the internal market, notably by determining remuneration amounts through a competitive	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			bidding process that it is open, clear, transparent and non-discriminatory. In cases where no competitive bidding process can be conducted, contracts for difference – and the applicable strike prices - shall be designed to ensure that the distribution of revenues to undertakings does not create undue distortions to competition and trade in the internal market.	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (6b), point (e)				
158h			(e) Avoid distortions to competition and trade in the internal market. resulting from the distribution of revenues to undertakings.	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (6c)				
158i			1b. In the assessment of two-way contracts for difference under Articles 107 and 108 TFEU, the Commission shall ensure compliance with the design principles pursuant to paragraph 1a.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (9), amending provision, numbered paragraph (2)				
159	2. Paragraph 1 shall apply to new investments in generation of electricity from the following sources:	2. Paragraph 1 shall apply to new investments in generation of electricity from the following sources:	2. Paragraph 1 shall apply to new investments in new generation of electricity from the following sources:	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (2), point (a)				
160	(a) wind energy;	(a) wind energy;	(a) wind energy;	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (2), point (b)				
161	(b) solar energy;	(b) solar energy;	(b) solar energy;	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (2), point (c)				
162	(c) geothermal energy;	(c) geothermal energy;	(c) geothermal energy;	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (2), point (d)				
163	(d) hydropower without reservoir;	(d) hydropower without reservoir;	(d) hydropower without reservoir;	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (2), point (e)				
164	(e) nuclear energy;	(e) nuclear energy;	(e) nuclear energy;	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
165	3. Direct price support schemes in the form of two-way contracts for difference shall:	3. Direct price support schemes in the form of two-way contracts for difference shall <u>as referred to in paragraph 1 shall at least:</u>	3. The revenues, or the equivalent in financial value of those revenues, arising from direct price support schemes in the form of two-way contracts for difference referred to in paragraph 1 shall:	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (3),				
166	(a) be designed so that the revenues collected when the market price is above the strike price are distributed to all final electricity customers based on their share of consumption (same cost / refund per MWh consumed);	(a) be designed so that the revenues collected when the market price is above the strike price are distributed to all <u>final electricity customers, with particular attention to vulnerable customers and customers based affected by or at risk of energy poverty as defined in Article 2, point (52), of Directive [EED]. Member States may also dedicate the revenues to compensate the costs of the support scheme where the market price is below the strike price, or to support investments for the energy transition in distribution grid development, renewable energy sources, electric vehicles charging infrastructure, energy efficiency and storage, or to cover energy-intensive industries at risk</u>	(a) be designed so that distributed to final customers. Notwithstanding the requirement in the first subparagraph, the revenues, or the equivalent in financial value of those revenues, may also be used to finance the costs of the direct-collected when the market price is above the strike price are distributed to all support schemes or investments to reduce electricity costs for final electricity customers. The distribution of revenues to final customers based on shall be designed to maintain incentives to reduce their share of consumption (same cost / refund per MWh consumed); consumption or shift it to periods when	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>of carbon leakage if they demonstrate significant emission reductions through their decarbonisation efforts for reaching climate neutrality, including a transformation plan that sets out key elements on their pathway. Revenues distributed to final customers which are energy-intensive undertakings shall cover all undertakings in proportion to their share of consumption (same cost refund per MWh consumed). The revenues shall be distributed in accordance with a fair, transparent and non-discriminatory methodology;</u>	electricity prices are low and not to undermine competition between electricity suppliers.	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (3), point (b)				
167	(b) ensure that the distribution of the revenues to final electricity customers is designed so as not to remove the incentives of consumers to reduce their consumption or shift it to periods when electricity prices are low and not to undermine competition between electricity suppliers;	(b) ensure that the distribution of the revenues to final electricity customers is designed so as not to remove the incentives of consumers to reduce their consumption or shift it to periods when electricity prices are low and not to undermine competition between electricity suppliers;	<i>deleted</i>	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (3), point (ba)				
167a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>(ba) take into consideration locational criteria to ensure that new investments for the generation of electricity take place in optimal locations, taking into account congestion conditions and grid development plans;</i></u>		
Article 1, first paragraph, point (9), amending provision, numbered paragraph (3), point (bb)				
167b		<u><i>(bb) be designed so that the level of, and the conditions attached to, the support granted to the energy projects are not revised in a way that negatively affects the rights conferred thereunder and undermines the economic viability of projects that already benefit from support. Member States may adjust the level of support in accordance with objective criteria, provided that such criteria are established in the original design of the support scheme;</i></u>		
Article 1, first paragraph, point (9), amending provision, numbered paragraph (3), point (bc)				
167c		<u><i>(bc) include penalty clauses applicable in the case of unilateral early termination of the contract;</i></u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 1, first paragraph, point (9), amending provision, numbered paragraph (3), point (bd)			
167d		<u><i>(bd) not receive support for production in any period in which the market value of that production is negative;</i></u>		
	Article 1, first paragraph, point (9), amending provision, numbered paragraph (3), point (be)			
167e		<u><i>(be) minimise their possible negative impact on the liquidity of forward market and on competition between suppliers;</i></u>		
	Article 1, first paragraph, point (9), amending provision, numbered paragraph (3), point (bf)			
167f		<u><i>(bf) be designed to retain the incentives for the generating facility to operate and participate efficiently in the electricity markets, in particular to adjust its production to reflect market circumstances;</i></u>		
	Article 1, first paragraph, point (9), amending provision, numbered paragraph (3), point (bg)			
167g		<u><i>(bg) be designed to comply with Article 4(2) and (3), first and third subparagraphs, of Directive (EU) 2018/2001, and with State aid rules and competition law.</i></u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (9), amending provision, numbered paragraph (3a)				
167h		<u><i>3a. By ... [12 months after the date of entry into force of this amending Regulation], the Commission shall draw up guidelines on the implementation of two-way contracts for differences to assist Members States on their establishment.</i></u>		
Article 1, first paragraph, point (9), amending provision, numbered paragraph (3b)				
167i		<u><i>ACER shall monitor the implementation of direct price support schemes in Member States and issue a report on implementation and impact of price support schemes on competition and functioning of the internal electricity market.</i></u>		
Article 1, first paragraph, point (9), amending provision, numbered paragraph (3a)				
167j			4. In line with the third subparagraph of Article 4(3) of Directive (EU) 2018/2001, Member States may exempt small-scale renewables installations and demonstration	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			projects from the obligation under paragraph 1.	
Article 1, first paragraph, point (9), amending provision, sixteenth paragraph				
168	Article 19c	Article 19c	Article 19c	
Article 1, first paragraph, point (9), amending provision, seventeenth paragraph				
169	Assessment of flexibility needs	Assessment of flexibility needs	Assessment of flexibility needs	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (1)				
170	<p>1. By 1 January 2025 and every two years thereafter, the regulatory authority of each Member State shall assess and draw up a report on the need for flexibility in the electricity system for a period of at least 5 years, in view of the need to cost effectively achieve security of supply and decarbonise the power system, taking into account the integration of different sectors. The report shall be based on the data and analyses provided by the transmission and distribution system operators of that Member State pursuant to paragraph 2 and using the methodology pursuant to paragraph 3.</p>	<p>1. By 1 January 2025 <u>Within 12 months from the date of adoption of the proposal referred to in paragraph 6</u> and every two years thereafter, the regulatory authority of each Member State shall assess and draw up a report on the need <u>estimated needs</u> for flexibility <u>at national level, including flexibility needs in a future net-zero</u> in the electricity system for a period of at least 5 <u>10</u> years, in view of the need to cost effectively achieve security of supply and decarbonise the power system, <u>contribute to the stability and reliability of that system and the efficient management and</u></p>	<p>1. No later than one year after the approval by ACER of the methodology pursuant to paragraph 6 of this Article, By 1 January 2025 and every two years thereafter, the regulatory authority, or another authority or entity designated by a Member State, shall adopt of each Member State shall assess and draw up a report on the need for flexibility in the electricity system system flexibility for a period of at least 5 years, in view of the need to cost effectively achieve security of supply and decarbonise the power electricity system, taking into account the integration of different sectors, and</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>development of electricity networks</u>, taking into account the integration of <u>the renewable energy sources and</u> different sectors. The report including the <u>sector coupling potential. Those reports</u> shall be based on the data and analyses provided by the transmission and distribution system operators of that<u>the</u> Member State <u>concerned, after conducting a public consultation, including with all relevant stakeholders</u> pursuant to paragraph<u>paragraphs</u> 2 and <u>3 of this Article and</u> using the methodology pursuant to paragraph 34<u>34 of this Article. Those reports shall include an assessment of the available cross-border flexibility, including the progress made towards the 15 % electricity interconnection target for 2030 laid down in Article 4, point (d)(1), of Regulation (EU) 2018/1999. Those reports shall take into account the European Resource Adequacy assessment referred to in Article 23 of this Regulation and national adequacy assessments referred to in Article 20 of this Regulation.</u></p>	<p>the interconnected nature of the electricity market. The report shall take into account the European Resource Adequacy Assessment and national adequacy assessments pursuant to Article 20 of this Regulation . The report shall be based on the data and analyses provided by the transmission and distribution system operators of that Member State pursuant to paragraph 23 and using the methodology pursuant to paragraph 34 and, when duly justified, additional data and analysis. Where the Member State has designated a transmission system operator for this purpose, the regulatory authority shall approve or amend the report.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (9), amending provision, numbered paragraph (1a)				
170a		<u><i>1a. By 1 January 2026 and every two years thereafter, ACER shall draw up a report to assess the need for flexibility in the electricity system at Union level and its economically available potential for a period of at least 10 years. ACER shall also assess the introduction of shorter-term products for flexibility, flexible network assets and connections, and better prequalification requirements for participation in the balancing markets. Within a year, Member States shall receive recommendations from ACER to, where applicable, adapt the national report.</i></u>		
Article 1, first paragraph, point (9), amending provision, numbered paragraph (2)				
171	2. The report shall include an evaluation of the need for flexibility to integrate electricity generated from renewable sources in the electricity system and consider, in particular, the potential of non-fossil flexibility such as demand side response and storage to fulfil this need, both at	2. The report <u>reports referred to in paragraphs 1 and 1a</u> shall include an evaluation <u>assessment</u> of the need <u>different types of needs</u> for flexibility to integrate electricity generated from renewable sources in the electricity system and consider, in particular, the potential of non-fossil flexibility such as	2. The report shall include an evaluation of <u>at least:</u> (a) evaluate the need for flexibility, at least on a seasonal, daily and hourly basis , to integrate electricity generated from renewable sources in the electricity system;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	transmission and distribution levels. The report shall distinguish between seasonal, daily and hourly flexibility needs.	demand side -response and <u>energy</u> storage, to fulfil this <u>that</u> need, both at transmission and distribution levels. The report <u>reports</u> shall distinguish between <u>flexibility needs within all relevant timeframes and, at least, interannual</u> , seasonal, daily and hourly flexibility needs, <u>and between zonal flexibility needs, ensure that all ancillary services are considered, consider congestion within a bidding zone and renewable energy curtailment levels. The reports shall include, inter alia, a high fossil fuel electricity price crisis scenario and a business-as-usual scenario and suggest minimum levels that will ensure system efficiency and resilience in line with the Union's energy and climate objectives.</u>	<p>(b) and consider, in particular, the potential of non-fossil flexibility resources such as demand side-response and energy storage, including aggregation and interconnection, to fulfil this need, both at transmission and distribution levels. The report shall distinguish between seasonal, daily and hourly;</p> <p>(c) evaluate the barriers for flexibility in the market and propose relevant mitigation measures; and</p> <p>(d) take into account flexibility needs that is expected to be available in other Member States.</p>	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (2a)				
171a		<u>2a. The reports referred to in paragraphs 1 and 1a shall also include an evaluation of measures aiming to improve markets for the procurement of system stability services from non-fossil flexibility resources, including recommendations on how to</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>remove barriers to the entry of non-fossil flexibility assets.</u>		
Article 1, first paragraph, point (9), amending provision, numbered paragraph (3)				
172	3. The transmission and distribution system operators of each Member State shall provide the data and analyses needed for the preparation of the report referred to in paragraph 1 to the regulatory authority.	3. The <u>electricity</u> transmission and distribution system operators of each Member State, <u>and, upon request, the gas and hydrogen transmission and distribution system operators.</u> shall provide the data and analyses needed for the preparation of the report <u>reports</u> referred to in paragraph <u>+paragraphs 1 and 1a</u> to the regulatory authority.	3. The transmission and distribution system operators of each Member State shall provide the data and analyses needed for the preparation of the report referred to in paragraph 1 to the regulatory authority or, where relevant, the authority or entity designated in paragraph 1. If duly justified, the regulatory authority or, where relevant, the authority or entity designated in paragraph 1 may ask the transmission system operators and distribution system operators to provide additional input to the report, beyond the requirements referred to in paragraph 4.	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (4)				
173	4. The ENTSO for Electricity and the EU DSO entity shall coordinate transmission and distribution system operators as regards the data and analyses to be provided in	4. The ENTSO for Electricity and the EU DSO entity shall coordinate transmission and distribution system operators as regards the data and analyses to be provided in	4. The ENTSO for Electricity and the EU DSO entity shall coordinate transmission and distribution system operators as regards the data and analyses to be provided in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	accordance with paragraph 2. In particular, they shall:	accordance with paragraph 2 ³ . In particular, they shall:	accordance with paragraph 2. In particular, they shall:	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (4), point (a)				
174	(a) define the type of data and format that transmission and distribution system operators shall provide to the regulatory authorities;	(a) define the type of data and format <u>requirements and the format of the data in accordance with paragraph 6 of this Article</u> that transmission and distribution system operators shall provide to the regulatory authorities; <u>such system data requirements shall include a timetable for the digitalisation of the power network;</u>	(a) define the type of data data and format of data that transmission and distribution system operators shall provide to the regulatory authorities;	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (4), point (b)				
175	(b) develop a methodology for the analysis by transmission and distribution system operators of the flexibility needs, taking into account at least all existing sources of flexibility and planned investments at interconnection, transmission and distribution level as well as the need to decarbonise the electricity system.	(b) develop a methodology for the analysis by transmission and distribution system operators of the flexibility needs <u>to achieve optimisation of the grid and security of supply and</u> , taking into account at least all existing sources of flexibility <u>in a cost-efficient manner</u> and planned investments at interconnection, transmission and distribution level, <u>the needs and level of flexibility of the rest of the directly interconnected</u>	(b) develop a methodology for the analysis by transmission and distribution system operators of the flexibility needs, taking into account at least all existing available sources of flexibility flexibility and planned investments at in interconnection, and flexibility at transmission and distribution level as well as the need to decarbonise the electricity system.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>Member States</i></u> as well as the <u><i>level of renewable energy sources in the electricity mix needed to achieve the target set out in Article 3(1) of Directive (EU) 2018/2001 and the</i></u> need to decarbonise the electricity system <u><i>in compliance with the Paris Agreement and the objective of climate neutrality by 2050 at the latest;</i></u>		
Article 1, first paragraph, point (9), amending provision, numbered paragraph (4), point (ba)				
175a		<u><i>(ba) provide guiding criteria on how to assess the capability of the most suitable flexibility sources to cover the needs;</i></u>		
Article 1, first paragraph, point (9), amending provision, numbered paragraph (4), point (bb)				
175b		<u><i>(bb) define the segmentation of flexibility into different timeframes and the requirements for the assessment of flexibility at Union and national level, taking into account at least all existing and expected investments in flexible resources in the interconnected system as well as planned investments in interconnections for the following</i></u>		

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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	shall either approve the proposal or amend it. In the latter case, ACER shall consult the ENTSO for Electricity and the EU DSO entity before adopting the amendments. The adopted proposal shall be published on ACER's website.	months of receipt of the proposal, ACER shall either approve the proposal or amend it. In the latter case, ACER shall consult the Electricity Coordination Group , the ENTSO for Electricity and the EU DSO entity before adopting the amendments. The adopted proposal shall be published on ACER's website and shall constitute the single common format used by all transmission and distribution system operators to comply with the obligations under paragraph 3 .	paragraph 34 . Within three months of receipt of the proposal, ACER shall either approve the proposal or amend it. In the latter case, ACER shall consult the ENTSO for Electricity and the EU DSO entity before adopting the amendments. The adopted proposal shall be published on ACER's website.	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (7)				
178	7. The regulatory authorities shall submit the reports referred to in paragraph 1 to ACER and publish them. Within 12 months of receipt of the reports, ACER shall issue a report analysing them and providing recommendations on issues of cross-border relevance regarding the findings of the regulatory authorities.	7. The regulatory authorities shall submit the reports referred to in paragraph 1 to ACER and publish them. Within 12 six months of receipt of the reports, ACER and the European Scientific Advisory Board on Climate Change (ESABCC) shall issue a report analysing them, taking into account the conclusions of the report referred to in paragraph 1a , and providing recommendations on the removal of barriers to entry of non-fossil flexible resources and on issues of cross-border relevance	7. The regulatory authorities or, where relevant, the authority or entity designated in paragraph 1 , shall submit the reports referred to in paragraph 1 to ACER and publish them. Within 12 months of receipt of the reports, ACER shall issue a report analysing them and providing recommendations on issues of cross-border relevance regarding the findings of the regulatory authorities or, where relevant, the authority or entity designated in paragraph 1, including recommendations on	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		regarding the findings of the regulatory authorities. <u>Within 12 months ESABCC may submit an opinion on the methodology and issue a report analysing compliance with Union climate targets and the objectives of the Paris Agreement.</u>	removing barriers to the entry of non-fossil flexibility resources.	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (7a)				
178a		<u>7a. Member States shall submit the report referred to in paragraph 1 to the Commission and shall make them available to the public. On the basis of those reports, the Commission may issue recommendations on a best practice methodology.</u>		
Article 1, first paragraph, point (9), amending provision, numbered paragraph (7b)				
178b		<u>7b. The national assessment of flexibility needs shall be used as inputs in the scope of the methodology set for the European resource adequacy assessments in accordance with Article 23(3), of the methodology set for the Ten Year Network Development Plan and of the methodology set for the distribution system operators'</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>Network Development Plans.</u>		
Article 1, first paragraph, point (9), amending provision, numbered paragraph (7c)				
178c		<u>7c. The ENTSO for Electricity shall update the Union-wide network development plan to include the results of any flexibility needs assessments, as well as any recommendations from the ESABCC.</u>		
Article 1, first paragraph, point (9), amending provision, twenty-fifth paragraph				
179	Article 19d	Article 19d	Article 19d	
Article 1, first paragraph, point (9), amending provision, twenty-sixth paragraph				
180	Indicative national objective for demand side response and storage	Indicative national objective <u>objectives</u> for demand side response and <u>energy</u> storage	Indicative national objective for demand side response and storage <u>non-fossil flexibility</u>	
Article 1, first paragraph, point (9), amending provision, twenty-seventh paragraph				
181	Based on the report of the regulatory authority pursuant to Article 19c(1), each Member State shall define an indicative national objective for demand side response and storage. This indicative	1. Based On the <u>basis of the</u> report of the regulatory authority pursuant to <u>referred to in</u> Article 19c(1), each Member State shall define an indicative <u>indicative</u> <u>separate quantifiable</u> national	Based on the report <u>No later than 6 months after the submission of the regulatory authority report</u> pursuant to Article 19c(1) of this Regulation , each Member State shall define, based on this report,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>national objective shall also be reflected in Member States' integrated national energy and climate plans as regards the dimension 'Internal Energy Market' in accordance with Articles 3, 4 and 7 of Regulation (EU) 2018/1999 and in their integrated biennial progress reports in accordance with Article 17 of Regulation (EU) 2018/1999.</p>	<p>objective<u>objectives</u> for demand side<u>response and energy storage based on available capacity and develop a plan for delivering those objectives, considering all non-fossil flexibility sources with the most cost-efficient solutions, all time frames, and the availability of cross-border capacity and including roadmaps and concrete measures to reduce barriers for the participation of flexibility such as demand</u> response and <u>energy storage in the market. Those</u>This indicative national objective<u>objectives shall take into account ACER's opinion and recommendations referred to in Article 19c(7), shall include a quantification of actual available and forecasted capacity and energy content, and</u> shall also be reflected in Member States' integrated national energy and climate plans as regards the dimension 'Internal Energy Market' in accordance with Articles 3, 4 and 7 of Regulation (EU) 2018/1999 and in their integrated biennial progress reports in accordance with Article 17 of Regulation (EU) 2018/1999, <u>as well as in the European resource</u></p>	<p>an indicative national objective for non-fossil flexibility, in particular demand side-response and energy storage. Member states may achieve this target by removal of identified market barriers or realise the identified potential of non-fossil flexibility resources. This indicative national objective shall also be reflected in Member States' integrated national energy and climate plans as regards the dimension 'Internal Energy Market' in accordance with Articles 3, 4 and 7 of Regulation (EU) 2018/1999 and in their integrated biennial progress reports in accordance with Article 17 of Regulation (EU) 2018/1999. Member States may define provisional indicative objectives before the first submission of the report pursuant to Article 19c(1) of this Regulation.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u><i>adequacy assessments in accordance with Article 23 (3), and inclusion of the objectives in the Ten Year Network Development Plan and the distribution system operators' network development plans. The plan to deliver the first flexibility evaluation shall be incorporated into the 2024 integrated national energy and climate plans as an addendum upon completion. Member States that have already defined objectives for demand response and storage in their integrated national energy and climate plans before ... [date of entry into force of this amending Regulation], may use those objectives until they are updated in accordance with the report referred to in Article 19c(1).</i></u></p>		
Article 1, first paragraph, point (9), amending provision, twenty-seventh paragraph a				
181a		<p><u><i>1a. By June 2025, the Commission, after assessing the national objectives for demand response and energy storage referred to in paragraph 1 and communicated by the Member States through their integrated national energy and climate plans</i></u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>and taking into account ACER's opinion and recommendations referred to in Article 19c(7), shall submit a report to the European Parliament and to the Council assessing the national plans. On the basis of the conclusions of that report, the Commission shall draw up a Union strategy on demand response and energy storage that is consistent with the Union's 2030 targets for energy and climate as defined in Article 2, point (11), of Regulation (EU) 2018/1999 and the climate-neutrality objective laid down in Article 2 of Regulation (EU) 2021/1119 which may be accompanied, where appropriate, by a legislative proposal amending this Regulation and introducing minimum demand response and energy storage targets at Union level.</u></p>		
Article 1, first paragraph, point (9), amending provision, fifty-fourth paragraph				
181b		<p><u>1b. Transmission and distribution system operators shall include in their network development plans the national objectives for demand side response and energy storage referred to in paragraph 1.</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (9), amending provision, twenty-eighth paragraph				
182	Article 19e	Article 19e	Article 19e	
Article 1, first paragraph, point (9), amending provision, twenty-ninth paragraph				
183	Flexibility support schemes	Flexibility support schemes	Non-fossil flexibility support schemes	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (1)				
184	1. Member States which apply a capacity mechanism in accordance with Article 21 shall consider the promotion of the participation of non-fossil flexibility such as demand side response and storage by introducing additional criteria or features in the design of the capacity mechanism.	1. Member States which apply a capacity mechanism in accordance with Article 21 shall consider the promotion of the participation of non-fossil flexibility flexible resources such as demand side response and energy storage by introducing additional criteria or features in the design of the capacity mechanism <u>ensuring that the product design, including all participation requirements, are market-based and do not impose any undue barriers on demand response and energy storage.</u>	1. Member States which apply a capacity mechanism in accordance with Article 21 shall consider the promotion of the participation of non-fossil flexibility such as demand side response and storage by introducing additional criteria or features in the design of the capacity mechanism Where investments in non-fossil flexibility are insufficient to achieve the indicative national objective or, where relevant, provisional indicative objectives, identified in accordance with Article 19d, Member States may apply non-fossil flexibility support schemes consisting of payments for the available	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			capacity of non-fossil flexibility without prejudice to Articles 12 and 13.	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (2)				
185	2. Where the measures introduced in accordance with paragraph 1 to promote the participation of non-fossil flexibility such as demand response and storage in capacity mechanisms are insufficient to achieve the flexibility needs identified in accordance with 19d, Member States may apply flexibility support schemes consisting of payments for the available capacity of non-fossil flexibility such as demand side response and storage.	2. Where the measures introduced in accordance with paragraph 1 to promote the participation of non-fossil flexibility <u>flexible resources</u> such as demand response and <u>energy</u> storage in capacity mechanisms are insufficient to achieve the flexibility needs identified in accordance with 19d <u>with Article 19d</u> , Member States may apply flexibility support schemes consisting of payments for the available capacity of non-fossil flexibility <u>flexible resources</u> such as demand side response and <u>energy</u> storage <u>including charging services for electric vehicles or hydro with reservoir and/or pumping</u> .	2. Where the measures introduced in accordance with paragraph 1 to promote the participation of non-fossil flexibility such as demand response and storage in capacity mechanisms are insufficient to achieve the flexibility needs The possibility for Member States to apply measures pursuant to paragraph 1 shall not preclude them from addressing their indicative targets identified in accordance with 19d, Member States may apply flexibility support schemes consisting of payments for the available capacity of non-fossil flexibility such as demand side response and storage Article 19d by other means.	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (3)				
186	3. Member States which do not apply a capacity mechanism may apply flexibility support schemes consisting of payments for the	3. Member States which do not apply a capacity mechanism may apply flexibility support schemes consisting of payments for the	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	available capacity of non-fossil flexibility such as demand side response and storage.	available capacity of non-fossil flexibility such as demand <i>side</i> response and <u>energy</u> storage <u>including charging services for electric vehicles or hydro with reservoir and/or pumping.</u>		
Article 1, first paragraph, point (9), amending provision, thirty-third paragraph				
187	Article 19f	Article 19f	Article 19f	
Article 1, first paragraph, point (9), amending provision, thirty-fourth paragraph				
188	Design principles for flexibility support schemes	Design principles for flexibility support schemes	Design principles for non-fossil flexibility support schemes	
Article 1, first paragraph, point (9), amending provision, thirty-fifth paragraph				
189	Flexibility support scheme for non-fossil flexibility such as demand response and storage applied by Member States in accordance with Article 19e(2) and (3) shall:	Flexibility support scheme for non-fossil flexibility <u>flexible resources</u> such as demand response and <u>energy</u> storage applied by Member States in accordance with Article 19e(2) and (3) <u>19e</u> shall:	Flexibility support scheme for Non-fossil flexibility such as demand response and storage support schemes applied by Member States in accordance with Article 19e(2) and (3) e(1) shall:	
Article 1, first paragraph, point (9), amending provision, thirty-fifth paragraph, point (a)				
190	(a) not go beyond what is necessary to address the identified	(a) not go beyond what is necessary to address the identified	(a) not go beyond what is necessary to address the achieve	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	flexibility needs in a cost-effective manner;	flexibility needs in a cost-effective manner;	the indicative national objective, or where relevant the provisional indicative objective , identified flexibility needs in accordance with Article 19d in a cost-effective manner;	
Article 1, first paragraph, point (9), amending provision, thirty-fifth paragraph, point (b)				
191	(b) be limited to new investments in non-fossil flexibility such as demand side response and storage;	(b) be limited to new investments in non-fossil flexibility flexible resources such as demand side response and energy storage;	(b) be limited to new investments in non-fossil flexibility resources such as demand side response and energy storage;	
Article 1, first paragraph, point (9), amending provision, thirty-fifth paragraph, point (ba)				
191a		<u>(ba) take into consideration locational criteria to ensure that investments in new capacity take place in optimal locations;</u>		
Article 1, first paragraph, point (9), amending provision, thirty-fifth paragraph, point (c)				
192	(c) must not imply starting fossil fuel-based generation located behind the metering point;	(c) must not imply starting fossil fuel-based generation located behind the metering point;	(c) must not imply starting fossil fuel-based generation located behind the metering point;	
Article 1, first paragraph, point (9), amending provision, thirty-fifth paragraph, point (d)				
193	(d) select capacity providers by	(d) select capacity providers by	(d) select capacity providers by	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	means of an open, transparent, competitive, non-discriminatory and cost-effective process;	means of an open, transparent, competitive, <i>voluntary</i> , non-discriminatory and cost-effective process;	means of an open, transparent, competitive, non-discriminatory and cost-effective process;	
Article 1, first paragraph, point (9), amending provision, thirty-fifth paragraph, point (e)				
194	(e) prevent undue distortions to the efficient functioning of the electricity markets including preserving efficient operation incentives and price signals and the exposure to price variation and market risk;	(e) prevent undue distortions to the efficient functioning of the electricity markets including preserving <i>retaining</i> efficient operation incentives and price signals and the exposure to price variation and market risk;	(e) prevent undue distortions to the efficient functioning of the electricity markets including preserving efficient operation incentives and price signals and the exposure to price variation and market risk;	
Article 1, first paragraph, point (9), amending provision, thirty-fifth paragraph, point (f)				
195	(f) provide incentives for the integration in the electricity market in a market-based and market-responsive way, while avoiding unnecessary distortions of electricity markets as well as taking into account possible system integration costs and grid stability;	(f) provide incentives for the integration in the electricity market in a market-based and market-responsive way, while avoiding unnecessary distortions of electricity markets as well as taking into account possible system integration costs and grid <i>congestion and</i> stability;	(f) provide incentives for the integration in the electricity market in a market-based and market-responsive way, while avoiding unnecessary distortions of electricity markets as well as taking into account possible system integration costs and grid stability;	
Article 1, first paragraph, point (9), amending provision, thirty-fifth paragraph, point (g)				
196	(g) set out a minimum level of participation in the market in terms	(g) set out a minimum level of participation in the market in terms	(g) set out a minimum level of participation in the market in terms	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	of activated energy, which takes into account the technical specificities of storage and demand response;	of activated energy, which takes into account the technical specificities of <u>energy</u> storage and demand response <u>assets</u> ;	of activated energy, which takes into account the technical specificities of storage and demand response the asset delivering the flexibility ;	
Article 1, first paragraph, point (9), amending provision, thirty-fifth paragraph, point (h)				
197	(h) apply appropriate penalties to capacity providers which do not respect the minimum level of participation in the market referred to in point (g), or which do not follow efficient operation incentives and prices signals;	(h) apply appropriate penalties to capacity providers which do not respect the minimum level of participation in the market referred to in point (g), or which do not follow efficient operation incentives and prices signals;	(h) apply appropriate penalties to capacity providers which do not respect the minimum level of participation in the market referred to in point (g), or which do not follow efficient operation incentives and prices price signals referred to in point (e) ;	
Article 1, first paragraph, point (9), amending provision, thirty-fifth paragraph, point (i)				
198	(i) be open to cross-border participation.’;	(i) <u>where technically feasible</u> , be open to cross-border participation.’;	<i>deleted</i>	
Article 1, first paragraph, point (9a)				
198a		<u>(9a) in Article 21, paragraph 1 is replaced by the following:</u>	(9a) Article 21 is amended as follows: [a] paragraph 1 is replaced by	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			the following:	
Article 1, first paragraph, point (9a), amending provision, first paragraph				
198b		<p>"</p> <p><u><i>1. To eliminate residual resource adequacy concerns, Member States may, while implementing the measures referred to in Article 20(3) of this Regulation in accordance with Articles 107, 108 and 109 of the TFEU, introduce capacity mechanisms.;</i></u></p> <p>"</p>	<p>"</p> <p>1. Member States may, while implementing the measures referred to in Article 20(3) of this Regulation in accordance with Article 107, 108 and 109 of the TFEU, introduce capacity mechanisms.</p>	
Article 1, first paragraph, point (9a), amending provision, second paragraph				
198c			[b] paragraph 7 is deleted.	
Article 1, first paragraph, point (9a), amending provision, third paragraph				
198d			<p>[c] paragraph 8 is replaced by the following:</p> <p>8. Capacity mechanisms shall be approved by the Commission for no longer than 10 years. The amount of the committed capacities shall be reduced on the basis of the implementation plans</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			referred to in Article 20. Member States shall continue to apply the implementation plan after the introduction of the capacity mechanism.	"
Article 1, first paragraph, point (9b)				
198e			(9b) In Article 22(1) point (a) is deleted.	
Article 1, first paragraph, point (10)				
199	(10) in Article 37 (1), point (a) is replaced by the following:	(10) in Article 37(1) <u>37(1)</u> , point (a) is replaced by the following:	(10) in Article 37 (1), point (a) is replaced by the following:	
Article 1, first paragraph, point (10), amending provision, first paragraph				
200	“(a) , carrying out the coordinated capacity calculation in accordance with the methodologies developed pursuant to the forward capacity allocation guideline, the capacity allocation and congestion management guideline and the electricity balancing guideline adopted on the basis of Article 18(5) of Regulation (EC) No 714/2009;”	“(a) ,- carrying out the coordinated capacity calculation in accordance with the methodologies developed pursuant to the forward capacity allocation guideline, the capacity allocation and congestion management guideline and the electricity balancing guideline adopted on the basis of Article 18(5) of Regulation (EC) No 714/2009;”	“(a) , carrying out the coordinated capacity calculation in accordance with the methodologies developed pursuant to the forward capacity allocation guideline, the capacity allocation and congestion management guideline and the electricity balancing guideline adopted on the basis of Article 18(5) of Regulation (EC) No 714/2009;”	

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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>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 on a regular basis, and in any event, 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></p>		
Article 1, first paragraph, point (11)(a), amending provision, first paragraph, second subparagraph				
204	<p>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 ;</p>	<p>Transmission system operators shall also provide clear and transparent information to system users about the status and treatment of their connection requests, <u>including renewable generation and storage temporarily connected with a flexible connection agreement.</u> They shall provide such information within a period of three months from the submission of the request-;;</p>	<p>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 ;</p>	<p>"</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		"		
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:	
Article 1, first paragraph, point (12), amending provision, numbered paragraph (3)				
206	<p>“</p> <p>3. Distribution system operators and transmission system operators shall cooperate with each other in publishing information on the capacity available for new connections in their respective areas of operation in a consistent manner and giving sufficient granular visibility to developers of new energy projects and other potential network users.</p> <p>“</p>	<p>“</p> <p>3. Distribution system operators and transmission system operators shall cooperate with each other in publishing information on the capacity available for new connections in their respective areas of operation in a consistent manner and giving sufficient granular visibility to developers of new energy projects and other potential network users. <u><i>They shall jointly publish, in a clear and transparent manner, the requirements of grid development and system services, and the required systems and processes to facilitate its development. In addition, they shall cooperate with each other in publishing information on the installed electricity capacity of self-consumption.</i></u>”</p> <p>“</p>	<p>“</p> <p>3. Distribution system operators and transmission system operators shall cooperate with each other in publishing information on the capacity available for new connections in their respective areas of operation in a consistent manner and giving sufficient granular visibility to developers of new energy projects and other potential network users.”</p> <p>“</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		“		
Article 1, first paragraph, point (13)				
207	(13) in Article 59 (1), point (b) is replaced by the following:	(13) in Article 59 (1), point (b) is replaced by the following:	(13) in Article 59 (1), point (b) is replaced by the following:	
Article 1, first paragraph, point (13), amending provision, first paragraph				
208	“ (b) , capacity-allocation and congestion- management rules pursuant to Article 6 of Directive (EU) 2019/944 and Articles 7 to 10, 13 to 17, 19 and 35 to 37 of this Regulation, including rules on day-ahead, intraday and forward capacity calculation methodologies and processes, grid models, bidding zone configuration, redispatching and countertrading, trading algorithms, single day-ahead and intraday coupling including the possibility of being operated by a single entity, the firmness of allocated cross-zonal capacity, congestion income distribution, the allocation of financial long-term transmission rights by the single allocation platform, cross-zonal transmission risk hedging, nomination	“ (b) , capacity-allocation and congestion- management rules pursuant to Article 6 of Directive (EU) 2019/944 and Articles 7 to 10, 13 to 17, 19 and 35 to 37 of this Regulation, including rules on day-ahead, intraday and forward capacity calculation methodologies and processes, grid models, bidding zone configuration, redispatching and countertrading, trading algorithms, single day-ahead and intraday coupling <i>including the possibility of being operated by a single entity</i> , the firmness of allocated cross-zonal capacity, congestion income distribution, the allocation of financial long-term transmission rights by the single allocation platform, cross-zonal transmission risk hedging, nomination	“ (b) , capacity-allocation and congestion- management rules pursuant to Article 6 of Directive (EU) 2019/944 and Articles 7 to 10, 13 to 17, 19 and 35 to 37 of this Regulation, including rules on day-ahead, intraday and forward capacity calculation methodologies and processes, grid models, bidding zone configuration, redispatching and countertrading, trading algorithms, single day-ahead and intraday coupling including the possibility of being operated by a single entity, the firmness of allocated cross-zonal capacity, congestion income distribution, the regional virtual hubs for the forward market, the allocation and facilitation of trading of financial long-term transmission rights by the single	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	procedures, and capacity allocation and congestion management cost recovery;; ”	procedures, and capacity allocation and congestion management cost recovery;” ”	allocation platform, cross-zonal transmission risk hedging, nomination procedures, and capacity allocation and congestion management cost recovery;” ”	
Article 1, first paragraph, point (13a)				
208a		<u>(13a) in Article 59(2), point (a) is replaced by the following:</u>		
Article 1, first paragraph, point (13a), amending provision, first paragraph				
208b		” <u>(a) network connection rules including rules on the connection of transmission-connected demand facilities, transmission-connected distribution facilities and distribution systems, connection of demand units used to provide demand response, requirements for grid connection of generators and other system users, requirements for high-voltage direct current grid connection, requirements for direct current-connected power park modules and remote-end high-voltage direct current converter stations, and</u>		

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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
208f		<u><i>(a) the effectiveness of the current structure and functioning of the short-term market;</i></u>		
Article 1, first paragraph, point (13b)(a), amending provision, first paragraph, point (b)				
208g		<u><i>(b) the development of electricity generation capacity and quality of service delivered to final costumers in each Member State;</i></u>		
Article 1, first paragraph, point (13b)(a), amending provision, first paragraph, point (c)				
208h		<u><i>(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;</i></u>		
Article 1, first paragraph, point (13b)(a), amending provision, second paragraph				
208i		<u><i>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</i></u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>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		" <u>3. By 30 June 2024, the Commission shall submit a report to the European Parliament and to the Council assessing different options for the introduction of a temporary relief valve mechanism in view of the experience with those mechanisms at international level and of the evolution and new developments in the Union electricity market. That report shall, where appropriate, be accompanied by a legislative proposal.</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (13b)(b), amending provision, second paragraph				
2081		<p><u>4. By ... [one month after the date of entry into force of this amending Regulation], the Commission shall submit to the European Parliament and to the Council a detailed report assessing possibilities of streamlining and simplifying the process of applying a capacity mechanism under Chapter IV of this Regulation, so as to ensure that adequacy concerns can be addressed by Member States in a timely manner. In that context, the Commission shall request that ACER amends the methodology for the European resource adequacy assessment referred to in Article 23 in accordance with the process set out in Articles 23 and 27, as appropriate.</u></p> <p><u>By ... [three months after the date of entry into force of this amending Regulation] the Commission shall, after consulting the Member States, come forward with proposals with a view to simplifying the process of assessing capacity mechanisms as appropriate.</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (13b)(b), amending provision, third paragraph				
208m		<p><u>5. By 30 June 2024, the Commission shall, after consulting the Member States, transmission system operators, ACER and regulatory authorities, shall submit to the European Parliament and to the Council a detailed assessment on the implications of the introduction of capacity mechanisms as a structural element of the electricity market and its impacts on the functioning of the internal electricity market and its evolution towards a net-zero emission system. That assessment shall be focused, inter alia, on assessing a design of such capacity mechanisms that ensures investments in firm renewable capacity, storage and demand response compatible with the Union's climate targets. In light of the conclusions, the Commission shall, where appropriate, accompany that assessment with a legislative proposal amending this Regulation.';</u></p> <p style="text-align: right;">"</p>		
Article 1, first paragraph, point (13a), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
208n			(13a) In Article 64, the following paragraph is added:	
Article 1, first paragraph, point (13a), second subparagraph				
208o			<p>(2a) By way of derogation from Article 6(9), (10) and (11), Estonia, Latvia and Lithuania, may conclude financial contracts for balancing capacity up to five years before the start of the provision of the balancing capacity. The duration of such contracts shall not extend beyond eight years after Estonia, Latvia and Lithuania have joined the continental European synchronous area.</p> <p>The national regulators of Estonia, Latvia and Lithuania may allow their domestic transmission system operators to allocate cross-zonal capacity on a market-based process as described in Article 41 of Commission Regulation (EU) 2017/2195, without volume limitations until six months after the moment when the co-optimised allocation process is fully implemented and</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			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 CO ₂ of fossil fuel origin per kWh of electricity may, subject to compliance with Articles 107 and 108 TFEU, exceptionally be committed or receive payments or commitments for future payments under a capacity mechanism approved by the Commission before the entry into force of this regulation. The Commission shall assess the impact of the request in terms of greenhouse gas emissions and may, subject to compliance with	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			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;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (13b), second subparagraph, point (c)				
208t			<p>(c) the generation capacity that emits more than 550 g of CO₂ of fossil fuel origin per kWh of electricity is committed or receives payments or commitments for future payments for a period not exceeding one year and is procured through an additional procurement process which complies with all requirements in Article 22 except for those set out in point (b) of paragraph 4 and only for the amount of capacity that is needed to solve the adequacy concern identified in letter b).</p> <p>The derogation pursuant to this paragraph may be applied until 31 December 2028.</p>	
Article 1, first paragraph, point (13c), first subparagraph				
208u			<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</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>after entry into force of this Regulation, the Commission shall submit to the European Parliament and the Council a detailed report assessing possibilities of streamlining and simplifying the process of applying a capacity mechanism under Chapter IV of this Regulation, so as to ensure that adequacy concerns can be addressed by Member States in a timely manner. In that context the Commission shall request that the Agency amends the methodology for the European resource adequacy assessment referred to in Article 23 in line with the process set out in Articles 23 and 27, as appropriate.</p> <p>No later than three months after entry into force of this Regulation, the Commission shall, after consultation with Member States, come forward with proposals with a view to simplifying the process of assessing capacity mechanisms as appropriate.</p>	
Article 1, first paragraph, point (14)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
209	(14) The following Article 69a is added:	(14) The following Article 69a is added:	(14) The following Article 69a is added:	
Article 1, first paragraph, point (14), amending provision, first paragraph				
210	“ Article 69a	“ Article 69a	“ Article 69a	
Article 1, first paragraph, point (14), amending provision, second paragraph				
211	Interaction with Union financial legislation	Interaction with Union financial legislation	Interaction with Union financial legislation	
Article 1, first paragraph, point (14), amending provision, third paragraph				
212	Nothing in this Regulation shall derogate from the provisions of Directive (EU) 2014/65, Regulation (EU) 648/2012 and Regulation (EU) 600/2014 when market participants or market operators engage in activities related to financial instruments in particular as defined under Article 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. “	
Article 1, first paragraph, point (15)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
213	(15) in Annex I point 1.2 is replaced by the following:	(15) in Annex I point 1.2 is replaced by the following:	(15) in Annex I point 1.2 is replaced by the following:	
Article 1, first paragraph, point (15), amending provision, numbered paragraph (1.2)				
214	“ 1.2. Coordinated capacity calculation shall be performed for all allocation timeframes. ”	“ 1.2. Coordinated capacity calculation shall be performed for all allocation timeframes. ”	“ 1.2. Coordinated capacity calculation shall be performed for all allocation timeframes. ”	
Article 2				
215	Article 2 Amendments to Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity	Article 2 Amendments to Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity	Article 2 Article 1 Amendments to Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity In accordance with the General Approach, the Council intends to split the Regulation and Directive into two separate legal acts. Following this, Article 2 would become Article 1 in a separate Directive amending Directives (EU) 2018/2001 and (EU) 2019/944.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			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: 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	
Article 2, first paragraph, point (1)(a), amending provision, numbered paragraph (8)				

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219	<p>“ (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.”;</p>	<p>“ (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.”;</p>	<p>“ (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.”;</p> <p>Directive</p>	
Article 2, first paragraph, point (1)(a), amending provision, numbered paragraph (49)				
220	<p>(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;”</p>	<p>(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;”;</p>	<p>(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;”</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	“	“	“ Directive	
Article 2, first paragraph, point (1)(b)				
221	(b) the following points are added:	(b) the following points are added:	(b) the following points are added: Directive	
Article 2, first paragraph, point (1)(b), amending provision, first paragraph				
222	“ (15a) ‘fixed term, fixed price electricity supply contract’ means an electricity supply contract between a supplier and a final customer that guarantees the same contractual conditions, including the price, while it may, within a fixed price, include a flexible element with for example peak and off peak price variations;	“ (15a) ‘fixed term, fixed price electricity supply contract’ means an electricity supply contract between a supplier and a final customer that guarantees the same contractual conditions <u>during the whole duration of the contract</u> , including the price, while it may, within a fixed price, <u>and for customers equipped with smart meters</u> include a flexible element with for example peak and off peak price variations, <u>and where changes in the final bill can only result from elements that are not determined by suppliers, such as taxes and levies</u> ;	“ (15a) ‘fixed term, fixed price electricity supply contract’ means an electricity supply contract between a supplier and a final customer that guarantees the same contractual conditions, including the price, during the whole duration of the contract , while it may,– within a fixed price, include a flexible element with for example peak and off peak price variations; Directive	
Article 2, first paragraph, point (1)(b), amending provision, second paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
223	(10a) ‘energy sharing’ means the self-consumption by active customers of renewable energy either:	(10a) ‘energy sharing’ means the self-consumption by active customers of renewable energy either:	(10a) ‘energy sharing’ means the self-consumption by active customers of renewable energy either: Directive	
Article 2, first paragraph, point (1)(b), amending provision, second paragraph, point (a)				
224	(a) generated or stored offsite or on sites between them by a facility they own, lease, rent in whole or in part; or	(a) generated or stored offsite or on sites between them by a facility they own, lease, rent in whole or in part; or	(a) generated or stored offsite or on sites between them by a facility they own, lease, rent in whole or in part; or Directive	
Article 2, first paragraph, point (1)(b), amending provision, second paragraph, point (b)				
225	(b) the right to which has been transferred to them by another active customer whether free of charge or for a price.	(b) the right to which has been transferred to them by another active customer whether free of charge or for a price.	(b) the right to which has been transferred to them by another active customer whether free of charge or for a price. 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	(10b) ‘peer-to-peer trading’ of renewable energy means peer-to-peer trading as defined in point	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(18) of Article 2 of Directive (EU) 2018/2001.	(18) of Article 2 of Directive (EU) 2018/2001.	Directive	
<i>Article 2, first paragraph, point (1)(b), amending provision, fourth paragraph</i>				
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	
<i>Article 2, first paragraph, point (1)(b), amending provision, fourth paragraph a</i>				
227a		<u>(24aa) ‘energy poverty’ means energy poverty as defined in Article 2, point (52) of Directive (EU) [EED Directive];;</u> ”	Directive	
<i>Article 2, first paragraph, point (1)(ba)</i>				
227b		<u>(ba) point (49) is replaced by the following:</u>	Directive	
<i>Article 2, first paragraph, point (1)(ba), amending provision, first paragraph</i>				
227c				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		" <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	
Article 2, first paragraph, point (1)(bb)				
227d		<u>(bb) point (31) is replaced by the following:</u>	Directive	
Article 2, first paragraph, point (1)(bb), amending provision, first paragraph				
227e		" <u>(31) 'energy from renewable sources' or 'renewable energy' means energy from renewable sources or renewable energy as defined in Article 2, point (1), of Directive (EU) 2018/2001;</u> "	Directive	
Article 2, first paragraph, point (2)				
228				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(2) Article 4 is replaced by the following:	(2) Article 4 is replaced by the following:	(2) Article 4 is replaced by the following: Directive	
Article 2, first paragraph, point (2), amending provision, first paragraph				
229	“ Article 4	“ Article 4	“ Article 4 Directive	
Article 2, first paragraph, point (2), amending provision, second paragraph				
230	Free choice of supplier	Free choice of supplier	Free choice of supplier Directive	
Article 2, first paragraph, point (2), amending provision, third paragraph				
231	Member States shall ensure that all customers are free to purchase electricity from the supplier of their choice. Member States shall ensure that all customers are free to have more than one electricity supply contract at the same time, and that for this purpose customers are entitled to have more than one metering and billing point covered by the single connection point for	Member States shall ensure that all customers are free to purchase electricity from the <u>supplier</u> suppliers of their choice. Member States shall ensure that all customers are free to have more than one electricity supply contract <u>or an energy sharing agreement</u> at the same time, and that for this <u>that</u> purpose customers are entitled to have more than one metering and	Member States shall ensure that all customers are free to purchase electricity from the supplier of their choice. Member States shall ensure that all customers are free to have more than one electricity supply contract at the same time, and that for this purpose customers are entitled to have more than one metering and billing point covered by the single connection point for	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	their premises.”	billing point covered by the single connection point for their premises <u>unless the existing smart-metering allows those rights.</u>	their premises.” Directive	
Article 2, first paragraph, point (2), amending provision, third paragraph a				
231a		<u>Member States shall ensure that metering arrangements guarantee that all suppliers operating at a single connection point are treated in a non-discriminatory manner. Metering arrangements shall be approved by grid operator and shall allow the physical connection point to be split into several energy connection points equally reliable, independent from each other, and with same features and functionalities as single connection points, including balancing responsibility.’;</u>	Directive	
Article 2, first paragraph, point (3)				
232	(3) Article 11 is amended as follows:	(3) Article 11 is amended as follows:	(3) Article 11 is amended as follows: Directive	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 2, first paragraph, point (3)(a)				
233	(a) the title is replaced by the following:	(a) the title is replaced by the following:	(a) the title is replaced by the following: Directive	
Article 2, first paragraph, point (3)(a), amending provision, first paragraph				
234	‘ Entitlement to a fixed term, fixed price and dynamic electricity price contract; ’	‘ Entitlement to a fixed term, fixed price electricity supply contract and dynamic electricity price contract; ’	‘ Entitlement to a fixed term, fixed price and dynamic electricity price contract; ’ Directive	
Article 2, first paragraph, point (3)(b)				
235	(b) paragraph 1 is replaced by the following:	(b) paragraph 1 is replaced by the following:	(b) paragraph 1 is replaced by the following: Directive	
Article 2, first paragraph, point (3)(b), amending provision, numbered paragraph (1)				
236	‘ 1. Member States shall ensure that the national regulatory framework enables suppliers to offer fixed-term, fixed-price ’	‘ 1. –Member States shall ensure that the national regulatory framework enables suppliers to offer fixed-term, fixed-price ’	‘ 1. –Member States shall ensure that the national regulatory framework enables suppliers to offer fixed-term, fixed-price ’	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	contracts and dynamic electricity price contracts. Member States shall ensure that final customers who have a smart meter installed can request to conclude a dynamic electricity price contract and that all final customers can request to conclude a fixed-term, fixed-price electricity price contract of a duration of at least one year, with at least one supplier and with every supplier that has more than 200 000 final customers.	<u>electricity supply</u> contracts and dynamic electricity price contracts. <u>By ... [the date of entry into force of this amending Regulation],</u> Member States shall ensure that final customers who have a smart meter installed can request to conclude a dynamic electricity price contract and that all final customers can request to conclude a fixed-term, fixed-price electricity price supply contract of a duration of at least one year, with at least one supplier and with every supplier that has more than 200 000 final customers.:-	contracts and dynamic electricity price contracts. Member States shall ensure that final customers who have a smart meter installed can request to conclude a dynamic electricity price contract and that all final customers can request to conclude a fixed-term, fixed-price electricity price contract of a duration of at least one year, with at least one supplier and with every supplier that has more than 200 000 final customers. By way of derogation from the first subparagraph, Member States may exempt a supplier with more than 200 000 final customers from the obligation to offer fixed term fixed price contracts if that supplier only offers dynamic price contracts and the exemption does not have a negative impact on competition or sufficient choice of fixed term fixed price contract for customers. Directive	
	Article 2, first paragraph, point (3)(c)			
237				

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	(c) the following paragraph 1a is inserted:	(c) the following paragraph <u>paragraphs are</u> is inserted:	(c) the following paragraph 1a -is inserted: Directive	
Article 2, first paragraph, point (3)(c), amending provision, first paragraph				
238	1a. Prior to the conclusion or extension of any contract, final customers shall be provided with a summary of the key contractual conditions in a prominent manner and in concise and simple language. This summary shall include at least information on total price, promotions, additional services, discounts and include the rights referred to in points (a), (b), (d), (e) and (f) of Article 10(3). The Commission shall provide guidance in this regard.	1a. Prior to the conclusion or extension of any contract, final customers <u>By way of derogation from Article 10(4), Member States</u> shall be provided with a summary of the key contractual conditions in a prominent manner and in concise and simple language. This summary shall include at least information on total price, promotions, additional services, discounts and include the rights referred to in points (a), (b), (d), (e) and (f) of Article 10(3). The Commission shall provide guidance in this regard <u>ensure that suppliers do not modify unilaterally the terms and conditions of fixed-term, fixed-price electricity supply contracts or terminate them before their end.</u>	1a. Prior to the conclusion or extension of any contract, final customers shall be provided with a summary of the key contractual conditions in a prominent manner and in concise and simple language. This summary shall include at least information on total price and its breakdown , promotions, additional services, and discounts and includes shall set out the rights referred to in points (a), (b), (d), (e) and (f) of Article 10(3). The Commission shall provide guidance in this regard. Directive	
Article 2, first paragraph, point (3)(c), amending provision, first paragraph a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
238a		<u><i>1b Member States shall ensure that final customers with fixed-term, fixed-price electricity supply contracts are not excluded from participating in demand response and energy sharing and from actively contributing to the achievement of the national electricity system flexibility needs.</i></u>	Directive	
Article 2, first paragraph, point (3)(c), amending provision, third paragraph				
238b		<u><i>1c Prior to the conclusion or extension of any contract referred to in paragraph 1, suppliers provide to final customers a summary of the key contractual conditions in a prominent manner and in concise and simple language. That summary shall include at least the following information on:</i></u>	Directive	
Article 2, first paragraph, point (3)(c), amending provision, third paragraph, point (a)				
238c		<u><i>(a) total price, its breakdown and, in case of the fixed term, fixed price electricity supply contract - the average price per month over its duration;</i></u>	Directive	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 2, first paragraph, point (3)(c), amending provision, third paragraph, point (b)				
238d		<u>(b) promotions;</u>	Directive	
Article 2, first paragraph, point (3)(c), amending provision, third paragraph, point (c)				
238e		<u>(c) additional services;</u>	Directive	
Article 2, first paragraph, point (3)(c), amending provision, third paragraph, point (d)				
238f		<u>(d) discounts;</u>	Directive	
Article 2, first paragraph, point (3)(c), amending provision, third paragraph, point (e)				
238g		<u>(e) contract duration and conditions for termination, including notice period and fees and where relevant, penalties;</u>	Directive	
Article 2, first paragraph, point (3)(c), amending provision, third paragraph, point (f)				
238h		<u>(f) whether the price is fixed or variable, indexed to wholesale prices; one-time payments where relevant;</u>	Directive	
Article 2, first paragraph, point (3)(c), amending provision, third paragraph, point (g)				

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238i		<u><i>(g) contact details (including customer service's address, telephone number and email), and</i></u>	Directive	
Article 2, first paragraph, point (3)(c), amending provision, third paragraph, point (h)				
238j		<u><i>(h) the rights referred to in points (a), (b), (d), (e), (f) and (h) of Article 10(3).</i></u>	Directive	
Article 2, first paragraph, point (3)(c), amending provision, third paragraph, point (i)				
238k		<u><i>The Commission shall provide guidance in this regard.</i></u> ;	Directive	
Article 2, first paragraph, point (3)(d)				
239	(d) paragraph 2 is replaced by the following:	(d) paragraph 2 is replaced by the following:	(d) paragraph 2 is replaced by the following: Directive	
Article 2, first paragraph, point (3)(d), amending provision, numbered paragraph (2)				
240	2. Member States shall ensure that final customers are fully informed by the suppliers of the	2. –Member States shall ensure that final customers are fully informed by the suppliers of the	2. –Member States shall ensure that final customers are fully informed by the suppliers of the	

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	opportunities, costs and risks of dynamic electricity price contracts, and shall ensure that suppliers are required to provide information to the final customers accordingly, including with regard to the need to have an adequate electricity meter installed. Regulatory authorities shall monitor the market developments and assess the risks that the new products and services may entail and deal with abusive practices.	opportunities, costs and risks of dynamic electricity price contracts, and shall ensure that suppliers are required to provide information to the final customers accordingly, including with regard to the need to have an adequate electricity meter installed. <u>Member States and regulatory authorities shall monitor the market developments and assess the risks that the new products and services may entail and deal with abusive practices. Regulatory authorities shall evaluate whether any termination fees of the electricity contracts applied are appropriate and shall take measures against any abusive practices.</u> ;	opportunities, costs and risks of dynamic electricity price the respective types of electricity contracts, and shall ensure that suppliers are required to provide information to the final customers accordingly, including with regard to the need to have an adequate electricity meter installed. Regulatory authorities shall monitor the market developments and assess the risks that the new products and services may entail and deal with abusive practices.-" Directive	
Article 2, first paragraph, point (4)				
241	(4) The following Articles are inserted:	(4) The following Articles are inserted:	(4) The following Articles are inserted: Directive	
Article 2, first paragraph, point (4), amending provision, first paragraph				
242	“ Article 15a”	“ Article 15a”	“ Article 15a”	

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			Directive	
Article 2, first paragraph, point (4), amending provision, second paragraph				
243	Right to energy sharing	Right to energy sharing	Right to energy sharing Directive	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1)				
244	1. All households, small and medium sized enterprises and public bodies have the right to participate in energy sharing as active customers.	1. All households, small and medium sized <u>customers, in particular households, small enterprises and public bodies</u> have the right to participate in energy sharing as active customers, <u>within the same bidding zone or a more limited geographical area as determined by Member States.</u> <u>The right to participate in energy sharing shall not apply to private undertakings whose participation in energy sharing constitutes part of their primary commercial or professional activity.</u>	1. All households, small and medium sized enterprises and public bodies shall have the right to participate in energy sharing as active customers. Directive	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1), 2.				
245	(a) Active customers shall be entitled to share renewable energy	(a) <u>1a.</u> Active customers shall be entitled to share renewable energy	(a) 2. Active customers shall be entitled to share renewable energy	

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	between themselves based on private agreements or through a legal entity.	between themselves based on private agreements or through a legal entity.	between themselves based on private agreements or through a legal entity. Directive	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1), point (2a)				
245a		<u><i>1b. Active customers who participate in energy sharing may appoint an energy sharing organiser for communication with grid operators, including through a legal entity. The energy sharing organiser shall be responsible for providing grid operators with all necessary information about energy sharing arrangements, for settling the grid tariffs and applicable taxes and for notifying suppliers at the same connection point about the energy sharing arrangement. The energy sharing organiser shall aim at self-balancing the behind the-meter flexible loads, distributed renewable generation and storage assets part of an energy sharing arrangement.</i></u>	Directive	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1), 3.				
246				

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	(b) Active customers may use a third party that owns or manages for installation, operation, including metering and maintenance a storage or renewable energy generation facility for the purpose of facilitating energy sharing, without that third party being considered an active customer.	(b) <u>1c.</u> Active customers may use a third party that owns or manages <u>parties that own or manage storage facilities or renewable energy generation facilities of up to 6 MW capacity</u> <u>each</u> for installation, operation, including metering and maintenance a storage or renewable energy generation facility , for the purpose of facilitating energy sharing, without that <u>The</u> third party being <u>shall not be</u> considered <u>to be</u> an active customer. <u>Third parties shall be transparent about prices, tariffs, and terms of services, and they shall ensure the provision of non-discriminatory services.</u>	(b) <u>3.</u> Active customers may use a third party that owns or manages for installation, operation, including metering and maintenance a storage or renewable energy generation facility for the purpose of facilitating energy sharing, without that third party being considered an active customer. Directive	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1), 4.				
247	(c) Member States shall ensure that active customers participating in energy sharing:	(c) <u>1d.</u> Member States shall ensure that active customers participating in energy sharing:	(c) <u>4.</u> Member States shall ensure that active customers participating in energy sharing: Directive	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1)(a)				
248	(d) are entitled to have the shared electricity netted with their total	(d) <u>(a)</u> are entitled to have the shared electricity netted	(d) <u>(a)</u> are entitled to have the shared electricity netted with their	

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	metered consumption within a time interval no longer than the imbalance settlement period and without prejudice to applicable taxes, levies and network charges;	with <u>injected into the grid deducted from</u> their total metered consumption within a time interval no longer than the imbalance settlement period and without prejudice to applicable <u>non-discriminatory</u> taxes, levies and <u>cost-reflective</u> network charges;	total metered consumption within a time interval no longer than the imbalance settlement period and without prejudice to applicable taxes, levies and network charges; Directive	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1)(b)				
249	(e) benefit from all consumer rights and obligations as final customers under this Directive, except in case of energy sharing between households with an installed capacity up to 10.8 kW and up to 50 kW for multi-apartment blocks using peer-to-peer trading agreements;	(e) <u>(b)</u> benefit from all consumer rights and obligations as final customers under this Directive; except in case of energy sharing between households with an installed capacity up to 10.8 kW and up to 50 kW for multi-apartment blocks using peer-to-peer trading agreements;	(e) <u>(b)</u> benefit from all consumer rights and obligations as final customers under this Directive, except in case of– energy sharing between households with an installed capacity up to 10.8 kW for single households [as specified in the reviewed Renewable Energy Directive 2021/557] and up to 50 kW for multi-apartment blocks using peer-to-peer trading agreements [as specified in the recast Energy Performance of Buildings Directive 2021/802]; Directive	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1), point (ba)				
249a		<u>(c) are not required to comply</u>		

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		<u>with supplier obligations where energy is shared between households with an installed capacity up to 10.8 kW and up to 100 kW for multi-apartment blocks using peer-to-peer trading agreements for energy sharing purposes;</u>	Directive	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1), point (bb)				
249b		<u>(d) customers engaged in energy sharing agreements providing for a remuneration are billed on the basis of their actual consumption and benefit via a third party from rights on billing and billing information provided for in Article 18(1) to (5), and basic contractual rights provided for in Article 10 that are granted to final electricity customers;</u>	Directive	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1)(c)				
250	(f) have access to template contracts with fair and transparent terms and conditions for peer-to-peer trading agreements between households, and for agreements on leasing, renting or investing in storage and renewable energy	(e) have access to <u>voluntary</u> template contracts with fair and transparent terms and conditions for peer-to-peer trading <u>energy sharing</u> agreements; <u>in case of conflicts arising over such agreements, final customers</u>	(e) (c) have access to template contracts with fair and transparent terms and conditions for peer-to-peer trading <u>energy sharing</u> agreements between households, and for agreements on leasing, renting or investing in storage and	

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	generation facilities for the purpose of energy sharing; in case of conflicts arising over such agreements, final customers shall have access to out of court dispute settlement in accordance with Article 26;	<u>engaging in energy sharing or members of energy communities are to have access to out of court dispute settlement as regards disputes with other participants of energy sharing agreements or within energy communities between households, and for agreements on leasing, renting or investing in storage and renewable energy generation facilities for the purpose of energy sharing; in case of conflicts arising over such agreements, final customers shall have access to out of court dispute settlement</u> in accordance with Article 26;	renewable energy generation facilities for the purpose of energy sharing; in case of conflicts arising over such agreements, final customers shall have access to out of court dispute settlement in accordance with Article 26; Directive	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1)(d)				
251	(g) are not subject to unfair and discriminatory treatment by market participants or their balance responsible parties;	(g) (f) are not subject to unfair and discriminatory treatment <u>and charges</u> by market participants or their balance responsible parties;	(g) (d) are not subject to unfair and discriminatory treatment by market participants or their balance responsible parties; Directive	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1)(e)				
252	(h) are informed of the possibility for changes in bidding zones in accordance with Article 14 of	(h) (g) are informed of the possibility for changes in bidding zones in accordance with Article	(h) (e) are informed of the possibility for changes in bidding zones in accordance with Article	

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	Regulation (EU) 2019/943 and of the fact that the right to share energy is restricted to within one and the same bidding zone.	14 of Regulation (EU) 2019/943 and of the fact that the right to share energy is restricted to within one and the same bidding zone <u>in accordance with paragraph 1;</u>	14 of Regulation (EU) 2019/943 and of the fact that the right to share energy is restricted to within one and the same bidding zone. Directive	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1), point (ea)				
252a		<u>(h) are allowed to offer different services and participate in a non-discriminatory manner in any market, individually or aggregated through the support of market parties, with the decentralised energy resources involved in energy sharing.</u>	Directive	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1), 5.				
253	(i) Member States shall ensure that relevant transmission or distribution system operators or other designated bodies:	(i) <u>le</u> . Member States shall ensure that relevant transmission or distribution system operators or other designated bodies:	(i) 5 . Member States shall ensure that relevant transmission or distribution system operators or other designated bodies: Directive	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1)(a)				
254	(j) monitor, collect, validate and communicate metering data related	(j) <u>(a)</u> monitor, collect, validate and communicate metering data	(j) (a) monitor, collect, validate and communicate metering data	

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

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Article 2, first paragraph, point (4), amending provision, numbered paragraph (2)				
256	2. Member States shall take appropriate and non-discriminatory measures to ensure that energy poor and vulnerable households can access energy sharing schemes. Those measures may include financial support measures or production allocation quota.	2. Member States shall take appropriate and non-discriminatory measures to ensure that energy poor and vulnerable households can access energy sharing schemes. Those measures may include financial support measures or production allocation quota.	26. Member States shall take appropriate and non-discriminatory measures to ensure that energy poor and vulnerable households can access energy sharing schemes. Those measures may include financial support measures or production allocation quota. Directive	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (2a)				
256a		<u>2a. Member States shall ensure that the energy sharing projects owned by public authorities require that at least 20 % of the amount of shared electricity is made accessible to vulnerable customers.</u>	Directive	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (2b)				
256b		<u>2b. The Commission shall provide additional guidance to the Member States without increasing administrative burden in order to facilitate a standardised approach with regard to renewable energy sharing and ensure a level playing</u>	Directive	

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		<p><u>field for renewable energy communities and citizen energy communities. The Commission shall, by means of implementing acts, establish the rules for the required data exchange between grid operators and with retailers for energy sharing, by specifying existing standards. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 68(2).</u></p>		
Article 2, first paragraph, point (4), amending provision, numbered paragraph (2c)				
256c		<p><u>2c. Member States shall promote the introduction of plug-in mini-solar systems of up to 800 W capacity in and on buildings, for example on balconies, and remove technical and administrative barriers for customers. Active customers sharing electricity from a plug-in mini-solar installation of up to 800 W capacity shall be entitled to have the shared electricity injected into the grid deducted from their total metered consumption within a time interval no longer than the imbalance settlement period and without prejudice to applicable</u></p>	Directive	

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		<u><i>non-discriminatory taxes, levies and cost-reflective network charges. Member States may consider exempting the resulting shared electricity from those taxes, levies and cost-reflective network charges.</i></u>		
Article 2, first paragraph, point (4), amending provision, numbered paragraph (2d)				
256d			<p>7. This Article shall be without prejudice to the right of customers to choose their supplier in accordance with Article 4 and to applicable national rules for the authorisation of suppliers.</p> <p>Directive</p>	
Article 2, first paragraph, point (4), amending provision, fifth paragraph				
257	Article 18a	Article 18a	<p>Article 18a</p> <p>Directive</p>	
Article 2, first paragraph, point (4), amending provision, sixth paragraph				
258	Supplier risk management	Supplier risk management	<p>Supplier risk management</p> <p>Directive</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 2, first paragraph, point (4), amending provision, numbered paragraph (1)			
259	<p>1. National Regulatory Authorities shall ensure that suppliers have in place and implement appropriate hedging strategies to limit the risk of changes in wholesale electricity supply to the economic viability of their contracts with customers, while maintaining liquidity on and price signals from short-term markets.</p>	<p>1. National<u>By ... [six months after the date of entry into force of this amending Regulation], and regularly thereafter,</u> regulatory authorities shall <u>perform regular stress tests to verify the ability of suppliers to face major changes in the market dynamics and their technical and economic capacity to ensure resilience. In addition, in the light of the results of those stress tests, regulatory authorities shall, where appropriate,</u> ensure that suppliers have in place and implement appropriate hedging strategies, <u>taking into account the size of the supplier or its market structure,</u> to limit the risk of changes in wholesale electricity supply to the economic viability of their contracts with customers, while maintaining liquidity on and price signals from short-term markets. <u>Member States shall take effective, competitive, non-discriminatory measures to ensure liquidity in hedging markets, including specific measures to avoid the lack of level playing field. Regulatory authorities shall</u></p>	<p>1. National Regulatory authorities, or where a Member State has designated an alternative independent competent authority for that purpose, such designated competent authorities, shall ensure that suppliers have in place and implement appropriate hedging strategies to limit the risk of changes in wholesale electricity supply to the economic viability of their contracts with customers, while maintaining liquidity on and price signals from short-term markets.</p> <p>Directive</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>assess the impacts of the possibility of introducing specific hedging targets for specific shares of suppliers' portfolios, including as regards volatility of consumer prices.</i></u>		
Article 2, first paragraph, point (4), amending provision, numbered paragraph (2)				
260	2. Supplier hedging strategies may include the use of power purchase agreements. Where sufficiently developed markets for power purchase agreements exist which allow effective competition, Member States may require that a share of suppliers' risk exposure to changes in wholesale electricity prices is covered using power purchase agreements for electricity generated from renewable energy sources matching the duration of their risk exposure on the consumer side, subject to compliance with Union competition law.	2. Supplier hedging strategies may include the use of power purchase agreements <u><i>or other appropriate instruments, such as forward contracts.</i></u> Where sufficiently developed markets for power purchase agreements exist which allow effective competition, Member States may require that a share of suppliers' risk exposure to changes in wholesale electricity prices is covered using power purchase agreements for electricity generated from renewable energy sources matching the duration of their risk exposure on the consumer side, subject to compliance with Union competition law.	2. Supplier hedging strategies may include the use of power purchase agreements. Where sufficiently developed markets for power purchase agreements exist which allow effective competition, Member States may require that a share of suppliers' risk exposure to changes in wholesale electricity prices is covered using power purchase agreements for electricity generated from renewable energy sources matching the duration of their risk exposure on the consumer side, subject to compliance with Union competition law. Directive	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (3)				
261	3. Member States shall endeavour	3. Member States shall	3. Member States shall endeavour	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	to ensure the accessibility of hedging products for citizen energy communities and renewable energy communities. ”	endeavour <u>put in place enabling conditions</u> to ensure the accessibility of hedging products for citizen energy communities and renewable energy communities.	to ensure the accessibility of hedging products for citizen energy communities and renewable energy communities.” Directive	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (3a)				
261a		<u>3a. Electricity suppliers shall take all reasonable steps to limit their risk of supply failure.’;</u> ”	Directive	
Article 2, first paragraph, point (5)				
262	(5) The following Article XX is inserted:	(5) The following Article XX <u>is articles are</u> inserted:	(5) The following Article XX <u>is Articles are</u> inserted: Directive	
Article 2, first paragraph, point (5), amending provision, first paragraph				
263	“ Article 27a	“ Article 27a	“ Article 27a Directive	
Article 2, first paragraph, point (5), amending provision, second paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
264	Supplier of last resort	Supplier of last resort	Supplier of last resort Directive	
Article 2, first paragraph, point (5), amending provision, numbered paragraph (1)				
265	1. Member States shall appoint suppliers of last resort at least for household customers. Suppliers of last resort shall be appointed in a fair, open, transparent and non-discriminatory procedure.	1. <i>Where</i> Member States <i>have not already appointed suppliers of last resort, they</i> shall appoint suppliers of last resort at least for household customers. Suppliers of last resort shall be appointed in a fair, open, transparent and non-discriminatory procedure.	1. Member States shall appoint suppliers implement a supplier of last resort regime to ensure continuity of supply at least for household customers. Suppliers of last resort shall be appointed in a fair, open, transparent and non-discriminatory procedure. Directive	
Article 2, first paragraph, point (5), amending provision, numbered paragraph (2)				
266	2. Final customers who are transferred to suppliers of last resort shall not lose their rights as customers, in particular those rights laid down in Articles 4, 10, 11, 12, 14, 18 and 26.	2. Final customers who are transferred to suppliers of last resort shall not lose continue to benefit from all their rights as customers, in particular those rights as laid down in Articles 4, 10, 11, 12, 14, 18 and 26 this Directive .	2. Final customers who are transferred to suppliers of last resort shall not lose their rights as customers, in particular those rights laid down in Articles 4, 10, 11, 12, 14, 18 and 26. Directive	
Article 2, first paragraph, point (5), amending provision, numbered paragraph (3)				
267				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	3. Member States shall ensure that suppliers of last resort promptly communicate the terms and conditions to transferred customers and ensure seamless continuity of service for those customers for at least 6 months.	3. Member States shall ensure that suppliers of last resort promptly communicate the terms and conditions to transferred customers and ensure seamless continuity of service for those customers for at least 6 months <u>the period needed to find a new supplier.</u>	3. Member States shall ensure that suppliers of last resort promptly communicate the terms and conditions to transferred customers and ensure seamless continuity of service for those customers for at least 6 months. Directive	
Article 2, first paragraph, point (5), amending provision, numbered paragraph (4)				
268	4. Member States shall ensure that final customers are provided with information and encouragement to switch to a market-based offer.	4. Member States shall ensure that final customers are provided with information and encouragement to switch to a market-based offer.	4. Member States shall ensure that final customers are provided with information and encouragement to switch to a market-based offer. Directive	
Article 2, first paragraph, point (5), amending provision, numbered paragraph (5)				
269	5. Member States may require the supplier of last resort to supply electricity to household customers who do not receive market based offers. In such cases, the conditions set out in Article 5 shall apply.”	5. Member States may require the supplier of last resort to supply electricity to household customers <u>and SMEs</u> who do not receive market based offers. In such cases, the conditions set out in Article 5 shall apply.”	5. Member States may require the supplier of last resort to supply electricity to household customers who do not receive market based offers. In such cases, the conditions set out in Article 5 shall apply.” Directive	
Article 2, first paragraph, point (5), amending provision, eighth paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
270	Article 28a	Article 28a	Article 28a Directive	
Article 2, first paragraph, point (5), amending provision, ninth paragraph				
271	Protection from disconnections for vulnerable customers	Protection from disconnections for vulnerable customers	Protection from disconnections for vulnerable customers Directive	
Article 2, first paragraph, point (5), amending provision, tenth paragraph				
272	Member States shall ensure that vulnerable customers are protected from electricity disconnections. This shall be provided as part of the concept of vulnerable customers pursuant to Article 28 (1) of this Directive and without prejudice to the measures set out in Article10(11).	Member States shall <i>ensure</i> that <u>prohibit electricity disconnections of</u> vulnerable household customers are protected from electricity <u>and customers affected by or at risk of energy poverty as defined in Article 2, point (52) of Directive [EED] and shall set the thresholds above which a power reduction procedure may be introduced.</u> Member States shall ensure that disconnections <u>are prohibited during ongoing judicial or out-of-court disputes between the supplier and customers for a period of eight weeks.</u> This shall be provided as part of the concept	Member States shall ensure that vulnerable customers are protected from electricity disconnections. This shall be provided as part of the concept of vulnerable customers pursuant to Article 28 (1) of this Directive and without prejudice to the measures set out in Article10(11). Directive	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		of vulnerable customers pursuant to Article 28 (1) <u>28(1)</u> of this Directive and without prejudice to the measures set out in Article10(11).		
Article 2, first paragraph, point (5), amending provision, tenth paragraph a				
272a		<u>Member States shall complement the provisions of paragraph 1 by adopting specific measures for the winter and summer seasons to enable household customers to manage their consumption and avoid high settlement bills.</u>	Directive	
Article 2, first paragraph, point (5), amending provision, twelfth paragraph				
272b		<u>Member States shall ensure that electricity suppliers regularly invite household customers without smart meters to send self-readings in order to help them manage their consumption and avoid high settlement bills.</u>	Directive	
Article 2, first paragraph, point (5), amending provision, thirteenth paragraph				
272c		<u>Member States shall ensure that suppliers do not require household customers unable to</u>	Directive	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>pay their energy bills, vulnerable customers and customers affected by or at risk of energy poverty, to use prepayment systems.</i></u>		
Article 2, first paragraph, point (5), amending provision, fourteenth paragraph				
272d		<u><i>Member States shall identify appropriate means to guarantee compensation for losses incurred by the relevant suppliers.</i></u> “	Directive	
Article 2, first paragraph, point (6)				
273	(6) in Article 27, paragraph 1 is replaced by the following:	(6) in Article 27, paragraph 1 is replaced by the following:	(6) in Article 27, paragraph 1 is replaced by the following: Directive	
Article 2, first paragraph, point (6), amending provision, numbered paragraph (1)				
274	“ 1. Member States shall ensure that all household customers, and, where Member States consider it appropriate, small enterprises, enjoy universal service, namely the right to be supplied with electricity of a specified quality within their territory at competitive, easily and	“ 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	“ 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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	clearly comparable, transparent and non-discriminatory prices. To ensure the provision of universal service, Member States shall impose on distribution system operators an obligation to connect customers to their network under terms, conditions and tariffs set in accordance with the procedure laid down in Article 59(7). This Directive does not prevent Member States from strengthening the market position of the household customers and small and medium-sized non-household customers by promoting the possibilities for the voluntary aggregation of representation for that class of customers.	clearly comparable, transparent and non-discriminatory prices. To ensure the provision of universal service, Member States shall impose on distribution system operators an obligation to connect customers to their network under terms, conditions and tariffs set in accordance with the procedure laid down in Article 59(7). This Directive does not prevent Member States from strengthening the market position of the household customers and small and medium-sized non-household customers by promoting the possibilities for the voluntary aggregation of representation for that class of customers.	clearly comparable, transparent and non-discriminatory prices. To ensure the provision of universal service, Member States shall impose on distribution system operators an obligation to connect customers to their network under terms, conditions and tariffs set in accordance with the procedure laid down in Article 59(7). This Directive does not prevent Member States from strengthening the market position of the household customers and small and medium-sized non-household customers by promoting the possibilities for the voluntary aggregation of representation for that class of customers."	
			Directive	
Article 2, first paragraph, point (6a)				
274a		<u>(6a) in Article 31, paragraph 2 is replaced by the following:</u>	Directive	
Article 2, first paragraph, point (6a), amending provision, first paragraph				
274b		" <u>2. In any event, the distribution</u>	Directive	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>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>		
Article 2, first paragraph, point (7)				
275	(7) In Article 31, paragraph 3 is replaced by the following:	(7) In Article 31, paragraph 3 is replaced by the following:	(7) In Article 31, paragraph 3 is replaced by the following: Directive	
Article 2, first paragraph, point (7), amending provision, numbered paragraph (3), first subparagraph				
276	“ 3. The distribution system operator shall provide system users with the information they need for efficient access to, including use of, the system. In particular, the distribution system operator shall publish in a clear and transparent	“ 3. The distribution system operator shall provide system users with the information they need for efficient access to, including the use of, the system. In particular, the distribution system operator shall publish in a clear and transparent	“ 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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	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, and <u>temporarily until the decided network reinforcements have been accomplished. The distribution system operator shall</u> update that information regularly, on a regular basis, and in any event at least quarterly <u>every month</u> .	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	
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	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."	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		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>	Directive	
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] and shall submit a proposal for harmonised standards. ’;</u> ”	Directive	
Article 2, first paragraph, point (7), amending provision, numbered paragraph (3b)				
277b			3a. Member States may decide not to apply paragraph 3 to integrated electricity undertakings which serve less than 100 000 connected	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			customers, or serving small isolated systems."	
	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 (7a), amending provision, first paragraph			
277d		" <u>1. Without prejudice to Directive 2014/94/EU of the European Parliament and of the Council, 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,</u>	Directive	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>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>”</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>		
Article 2, first paragraph, point (8)				
278	(8) Article 40 is amended as follows:	(8) Article 40 is amended as follows:	(8) In Article 40, the following paragraph is inserted is amended as follows: Directive	
Article 2, first paragraph, point (8),				
279	(a) a new paragraph is added after	(a) a new paragraph is added after		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	paragraph 6:	paragraph 6:	<i>deleted</i> Directive	
<i>Article 2, first paragraph, point (8), , amending provision, first paragraph</i>				
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	
<i>Article 2, first paragraph, point (9)</i>				
281	(9) Article 59 is amended as follows:	(9) Article 59 is amended as follows:	(9) Article 59 is amended as follows: Directive	
<i>Article 2, first paragraph, point (9)(a)</i>				
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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 2, first paragraph, point (9)(a), amending provision, first paragraph			
283	<p>“</p> <p>(c) , in close coordination with the other regulatory authorities, ensuring the compliance of the single allocation platform established in accordance with Regulation (EU) 2016/1719, the ENTSO for Electricity and the EU DSO entity with their obligations under this Directive, Regulation (EU) 2019/943, the network codes and guidelines adopted pursuant to Articles 59, 60 and 61 of Regulation (EU) 2019/943, and other relevant Union law, including as regards cross-border issues, as well as with ACER's decisions, and jointly identifying non-compliance of the single allocation platform, the ENTSO for Electricity and the EU DSO entity with their respective obligations; where the regulatory authorities have not been able to reach an agreement within a period of four months after the start of consultations for the purpose of jointly identifying non-compliance, the matter shall be referred to the ACER for a decision, pursuant to Article 6(10)</p>	<p>“</p> <p>(c) , in close coordination with the other regulatory authorities, ensuring the compliance of the single allocation platform established in accordance with Regulation (EU) 2016/1719, the ENTSO for Electricity and the EU DSO entity with their obligations under this Directive, Regulation (EU) 2019/943, the network codes and guidelines adopted pursuant to Articles 59, 60 and 61 of Regulation (EU) 2019/943, and other relevant Union law, including as regards cross-border issues, as well as with ACER's decisions, and jointly identifying non-compliance of the single allocation platform, the ENTSO for Electricity and the EU DSO entity with their respective obligations; where the regulatory authorities have not been able to reach an agreement within a period of four months after the start of consultations for the purpose of jointly identifying non-compliance, the matter shall be referred to the ACER for a decision, pursuant to Article 6(10)</p>	<p>“</p> <p>(c) , in close coordination with the other regulatory authorities, ensuring the compliance of the single allocation platform established in accordance with Regulation (EU) 2016/1719, of an entity designated for the management of the integrated day-ahead and intraday market where applicable, of the ENTSO for Electricity and the EU DSO entity with their obligations under this Directive, Regulation (EU) 2019/943, the network codes and guidelines adopted pursuant to Articles 59, 60 and 61 of Regulation (EU) 2019/943, and other relevant Union law, including as regards cross-border issues, as well as with ACER's decisions, and jointly identifying non-compliance of the single allocation platform, the ENTSO for Electricity and the EU DSO entity with their respective obligations; where the regulatory authorities have not been able to reach an agreement within a period of four months after the start of consultations for</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	of Regulation (EU) 2019/942; ”	of Regulation (EU) 2019/942; ”	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	
Article 2, first paragraph, point (9)(b), amending provision, first paragraph				
285	“ (z) The regulatory authority shall have the following duties: monitoring the removal of unjustified obstacles to and restrictions on the development of consumption of self-generated electricity and citizen energy communities, including related to the connection of flexible distributed energy generation within a reasonable time in accordance with Article 58(d).	“ (z) The regulatory authority shall have the following duties: monitoring the removal of unjustified obstacles to and restrictions on the development, <u>production, storage, of</u> consumption <u>and selling</u> of self-generated <u>or shared</u> electricity, <u>renewable energy communities</u> and citizen energy communities, including related to obstacles and <u>restrictions preventing</u> the	“ (z) The regulatory authority shall have the following duties: monitoring the removal of unjustified obstacles to and restrictions on the development of consumption of self-generated electricity and citizen energy communities, including related to obstacles and restrictions preventing the connection of flexible distributed energy generation within a reasonable time	

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

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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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>	
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>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Directive	
Article 2, first paragraph, point (9b), first subparagraph				
287e			(9b) In Article 66, the following new paragraph is added:	
Article 2, first paragraph, point (9b), second subparagraph				
287f			7. By way of derogation from Articles 40(4) and 54(2), Cyprus may allow its transmission system operator to own, develop manage and operate storage without following an open, transparent and non-discriminatory tendering procedure.	
Article 2, first paragraph, point (9b), third subparagraph				
287g			The derogations from Articles 40(4) and 54(2) shall apply until the transmission system in Cyprus is connected to other Member States' transmission systems via interconnection.	
Article 2, first paragraph, point (10)				
288				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(10) the following Article 66a is inserted	(10) the following Article 66a is inserted	(10) the following Article 66a is inserted Directive	
Article 2, first paragraph, point (10), amending provision, first paragraph				
289	“ Article 66a	“ Article 66a	“ Article 66a Directive	
Article 2, first paragraph, point (10), amending provision, second paragraph				
290	Access to affordable energy during an electricity price crisis	Access to affordable energy during an electricity price crisis	Access to affordable energy during an electricity price crisis Directive	
Article 2, first paragraph, point (10), amending provision, numbered paragraph (1)				
291	1. The Commission may by decision declare a regional or Union-wide electricity price crisis, if the following conditions are met:	1. The Commission may <i>shall</i> by decision declare a regional or Union-wide – electricity price crisis, <i>except in duly justified circumstances</i> , if the following conditions are met:	1. The Council, on a proposal from the Commission, by means of an implementing may by decision, may declare a regional or Union-wide – electricity price crisis, if the following conditions are met: Directive	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 2, first paragraph, point (10), amending provision, numbered paragraph (1), point (a)				
292	(a) very high prices in wholesale electricity markets at least two and a half times the average price during the previous 5 years which is expected to continue for at least 6 months;	(a) very high prices in wholesale electricity markets at least two and a half times the average price during the previous 5 years, <u>and at least 180 €/MWh</u> , which is expected to continue for at least 6 months;	(a) very high average prices in wholesale electricity markets of at least two and a half times the average price during the previous 5 years, which is expected to continue for at least 6 months. The calculation of the average price during the previous 5 years shall not take into account the year of 2022 and those periods where a regional or Union-wide electricity price crisis was declared; Directive	
Article 2, first paragraph, point (10), amending provision, numbered paragraph (1), point (b)				
293	(b) sharp increases in electricity retail prices of at least 70% occur which are expected to continue for at least 6 months; and	(b) sharp increases in electricity retail prices of at least 70% <u>60% of the previous two years average</u> occur which are expected to continue for at least 6 <u>3</u> months; and.	(b) sharp increases in electricity retail prices of at least in the range of 70% occur which are expected to continue for at least 6 3 months; and Directive	
Article 2, first paragraph, point (10), amending provision, numbered paragraph (1), point (c)				
294	(c) the wider economy is being negatively affected by the increases	<i>deleted</i>	(c) the wider economy is being negatively affected by the increases	

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	in electricity prices.		in electricity prices. Directive	
Article 2, first paragraph, point (10), amending provision, numbered paragraph (2)				
295	2. The Commission shall specify in its decision declaring a regional or Union-wide electricity price crisis the period of validity of that decision which may be for a period of up to one year.	2. The Commission shall specify in its decision declaring a regional or Union-wide electricity price crisis the period of validity of that decision which may be for a period of up to one year. <u><i>If conditions laid down in paragraph 1 are still met, the Commission shall issue a decision extending the duration of the electricity price crisis no later than two months before the end of the validity of the initial decision. If an extension is not foreseen, the Commission shall propose recommendations on a gradual phase-out of public interventions.</i></u>	2. The Commission shall specify in its decision declaring a regional or Union-wide electricity price crisis shall specify the period of validity of that decision which may be for a period of up to one year. That period may be prolonged in accordance with the procedure set out in paragraph 7 for consecutive periods of up to one year. Directive	
Article 2, first paragraph, point (10), amending provision, numbered paragraph (2a)				
295a		<u><i>2a. The declaration of a regional or Union-wide electricity price crisis shall ensure a level playing field across all Member States affected by the decision so that the internal market is not unduly distorted.</i></u>	Directive	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 2, first paragraph, point (10), amending provision, numbered paragraph (2b)				
295b			<p>3. The Commission shall present a proposal for declaring a regional or Union-wide electricity price crisis, including the proposed period of validity of the decision, where it considers that the conditions in paragraph 1 are fulfilled.</p> <p>Directive</p>	
Article 2, first paragraph, point (10), amending provision, numbered paragraph (2c)				
295c			<p>4. The Council, acting by a qualified majority, may amend a Commission proposal submitted pursuant to paragraphs 3 and 7.</p> <p>Directive</p>	
Article 2, first paragraph, point (10), amending provision, 5.				
296	<p>3. Where the Commission has adopted a decision pursuant to paragraph 1, Member States may for the duration of the validity of that decision apply targeted public interventions in price setting for</p>	<p>3. Where the Commission has adopted a decision pursuant to paragraph 1, Member States may for the duration of the validity of that decision apply <i>temporary</i> targeted public interventions in</p>	<p>35. Where the CommissionCouncil has adopted a decision pursuant to paragraph 1, Member States may, for the duration of the validity of that decision apply targeted public</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the supply of electricity to small and medium sized enterprises. Such public interventions shall:	price setting for the supply of electricity to small and medium sized enterprises <u>and energy-intensive industrial consumers</u> . Such public interventions shall:	interventions in price setting for the supply of electricity to small and medium sized enterprises. Such public interventions shall: Directive	
Article 2, first paragraph, point (10), amending provision, 5., point (a)				
297	(a) be limited to at most 70% of the beneficiary's consumption during the same period of the previous year and retain an incentive for demand reduction;	(a) be limited to at most 70% of the beneficiary's consumption during the same period of the previous year and retain an incentive for demand reduction;	(a) be limited to at most 70% of the beneficiary's consumption during the same period of the previous year and retain an incentive for demand reduction; Directive	
Article 2, first paragraph, point (10), amending provision, 5., point (b)				
298	(b) comply with the conditions set out in Article 5(4) and (7);	(b) comply with the conditions set out in Article 5(4) and (7);	(b) comply with the conditions set out in Article 5(4) and (7); Directive	
Article 2, first paragraph, point (10), amending provision, 5., point (c)				
299	(c) where relevant, comply with the conditions set out in Paragraph 4.	(c) where relevant, comply with the conditions set out in paragraph 4.;	(c) where relevant, comply with the conditions set out in Paragraph 4. Directive	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 2, first paragraph, point (10), amending provision, 5., point (ca)				
299a		<u><i>(ca) be designed to minimise any negative fragmentation of competition in the Union.</i></u>	Directive	
Article 2, first paragraph, point (10), amending provision, 6.				
300	4. Where the Commission has adopted a decision pursuant to paragraph 1, Member States may for the duration of the validity of that decision, by way of derogation from Article 5(7), point (c), when applying targeted public interventions in price setting for the supply of electricity pursuant to Article 5(6) or paragraph 3 of this Article, exceptionally and temporarily set a price for the supply of electricity which is below cost provided that the following conditions are fulfilled:	4. Where the Commission has adopted a decision pursuant to paragraph 1, Member States may for the duration of the validity of that decision, by way of derogation from Article 5(7), point (c), when applying targeted public interventions in price setting for the supply of electricity pursuant to Article 5(6) or paragraph 3 of this Article, exceptionally and temporarily set a price for the supply of electricity which is below cost provided that the following conditions are fulfilled:	46. Where the Commission Council has adopted a decision pursuant to paragraph 1, Member States may for the duration of the validity of that decision, by way of derogation from Article 5(7), point (c), when applying targeted public interventions in price setting for the supply of electricity pursuant to Article 5(6) or paragraph 3 of this Article, exceptionally and temporarily set a price for the supply of electricity which is below cost provided that the following conditions are fulfilled: Directive	
Article 2, first paragraph, point (10), amending provision, 6., point (a)				
301	(a) the price set for households	(a) the price set for households	(a) the price set for households	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	only applies to at most 80% of median household consumption and retains an incentive for demand reduction;	only applies to at most 80% of median household consumption and retains an incentive for demand reduction <u>and applies to 100% for vulnerable household customers affected by or at risk of energy poverty</u> ;	only applies to at most 80% of median household consumption and retains an incentive for demand reduction; Directive	
Article 2, first paragraph, point (10), amending provision, 6., point (b)				
302	(b) there is no discrimination between suppliers;	(b) there is no discrimination between suppliers;	(b) there is no discrimination between suppliers; Directive	
Article 2, first paragraph, point (10), amending provision, 6., point (c)				
303	(c) suppliers are compensated for supplying below cost; and	(c) suppliers are compensated for supplying below cost <u>in a transparent and non-discriminatory way</u> ; and	(c) suppliers are compensated for supplying below cost; and Directive	
Article 2, first paragraph, point (10), amending provision, 6., point (d)				
304	(d) all suppliers are eligible to provide offers for the price for the supply of electricity which is below cost on the same basis. “	(d) all suppliers are eligible to provide offers for the price for the supply of electricity which is below cost on the same basis; <u>and</u>	(d) all suppliers are eligible to provide offers for the price for the supply of electricity which is below cost on the same basis. Directive	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 2, first paragraph, point (10), amending provision, 6., point (da)				
304a		<u>(da) measures proposed do not distort the internal electricity market.</u>	Directive	
Article 2, first paragraph, point (10), amending provision, 6., point (db)				
304b		<u>4a. The Commission shall continuously assess and publish on a regular basis the results of such assessments in order to monitor the impacts resulting from the measures adopted under the declared electricity price crisis.’;</u>	Directive	
Article 2, first paragraph, point (10), amending provision, numbered paragraph (4a)				
304c			7. In due time before the expiry of the period specified pursuant to paragraph 2, the Commission shall assess whether the conditions in paragraph 1 continue to be fulfilled. If the Commission considers that the conditions in paragraph 1 continue to be fulfilled, it shall present to the Council a proposal for prolonging the period of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>validity of a decision adopted pursuant to paragraph 1. Where the Council decides to prolong the period of validity, paragraphs 5 and 6 shall apply during such prolonged period.</p> <p>Directive</p>	
Article 2, first paragraph, point (10), amending provision, numbered paragraph (4b)				
304d			<p>8. Without prejudice to Articles 107 and 108 TFEU, Member States may apply a cap on revenues from inframarginal generators subject to the same conditions as those set out in Articles 6 to 8 and Article 10 of Council Regulation (EU) 2022/1854 until 30 June 2024. By 15 May 2024, the Commission shall carry out a review of the application of the relevant schemes under this paragraph and issue a report on the main findings of this review to Parliament and the Council.</p> <p>“</p>	
Article 2, first paragraph, point (11)				
305	(11) in Article 71, paragraph 1 is	(11) in Article 71, paragraph 1 is		

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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
307	However, Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with:	However, Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with:	<i>deleted</i> Directive	
<i>Article 2, first paragraph, point (11), amending provision, numbered paragraph (1), second subparagraph, point (a)</i>				
308	(a) point (5)(a) of Article 70 by 31 December 2019;	(a) point (5)(a) of Article 70 by 31 December 2019;	<i>deleted</i> Directive	
<i>Article 2, first paragraph, point (11), amending provision, numbered paragraph (1), second subparagraph, point (b)</i>				
309	(b) point (4) of Article 70 by 25 October 2020.	(b) point (4) of Article 70 by 25 October 2020.	<i>deleted</i> Directive	
<i>Article 2, first paragraph, point (11), amending provision, numbered paragraph (1), third subparagraph</i>				
310	Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 2 points 10a, 10b, 15a, 24a, Article 4, Article 11(1), (1a) and (2), Article 15a, Article 18a, Article 27(1), Article 27a, Article 28a,	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,	<i>deleted</i> Directive	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	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.		
<i>Article 2, first paragraph, point (11), amending provision, numbered paragraph (1), fourth subparagraph</i>				
311	When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. They shall also include a statement that references in existing laws, regulations and administrative provisions to the Directive repealed by this Directive shall be construed as references to this Directive. Member States shall determine how such reference is to be made and how that statement is to be formulated.	When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. They shall also include a statement that references in existing laws, regulations and administrative provisions to the Directive repealed by this Directive shall be construed as references to this Directive. Member States shall determine how such reference is to be made and how that statement is to be formulated.	<i>deleted</i> Directive	
<i>Article 3</i>				
312	Article 3 Amendment to Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the	Article 3 Amendment to Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the	Article 3 2 Amendment to Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	promotion of the use of energy from renewable sources	promotion of the use of energy from renewable sources	<p>promotion of the use of energy from renewable sources 2018/2001</p> <p>In accordance with the General Approach, the Council intends to split the Regulation and Directive into two separate legal acts. Following this, Article 3 would become Article 2 in a separate Directive amending Directives (EU) 2018/2001 and (EU) 2019/944.</p> <p>This concerns lines 215 - 320</p> <p>Directive</p>	
Article 3, first paragraph				
313	Directive (EU) 2018/2001 is amended as follows:	Directive (EU) 2018/2001 is amended as follows:	Directive (EU) 2018/2001 is amended as follows: Directive	
Article 3, first paragraph, point (1)				
314	(1) Article 4(3) is amended as follows:	(1) Article 4(3) is amended as follows:	(1) Article 4(3) is amended as follows: Directive	
Article 3, first paragraph, point (1)(a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
315	(a) the second subparagraph is replaced by the following:	(a) the second subparagraph is replaced by the following:	(a) the second subparagraph is replaced by the following: Directive	
Article 3, first paragraph, point (1)(a), amending provision, first paragraph				
316	‘ To that end, with regard to direct price support schemes, support shall be granted in the form of a market premium, which could be, inter alia, sliding or fixed. This sentence shall not apply to support for electricity from the renewable sources listed in Article 19b(2) of Regulation (EU) 2019/944, to which Article 19b(1) of that Regulation applies.’	‘ To that end, with regard to direct price support schemes, support shall be granted in the form of a market premium, which could be, inter alia, sliding or fixed. <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.;	‘ To that end, with regard to direct price support schemes, support shall be granted in the form of a market premium, which could be, inter alia, sliding or fixed. This The first sentence shall not apply to support for electricity from the renewable sources listed in Article 19b(2) of Regulation (EU) 2019/944 2019/943 of the European Parliament and of the Council ¹ , to which Article 19b(1) of that Regulation applies.’ ¹ Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (OJ L 158, 14.6.2019, p. 54). Directive	
Article 3, first paragraph, point (2)				

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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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> Directive	
<i>Article 3a</i>				
320a			Article 3 Transposition Directive	
<i>Article 3a(1)</i>				
320b			1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by six months after	

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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>that references in existing laws, regulations and administrative provisions to the Directive repealed by this Directive shall be construed as references to this Directive. Member States shall determine how such reference is to be made and how that statement is to be formulated.’</p> <p>Directive</p>	
Article 3b				
320e			<p>Article 4 Entry into force</p> <p>Directive</p>	
Article 3b(1)				
320f			<p>1. This Directive shall enter into force on the [twentieth] day following that of its publication in the Official Journal of the European Union.</p> <p>Directive</p>	
Article 3c				
320g				

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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 3c, fifth paragraph				
3201			The President Directive	
Article 4				
321	Article 4 Amendments to Regulation (EU) 2019/942 of the European Parliament and of the Council of 5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators	Article 4 Amendments to Regulation (EU) 2019/942 of the European Parliament and of the Council of 5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators	Article 4 Amendments to Regulation (EU) 2019/942 of the European Parliament and of the Council of 5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators	
Article 4, first paragraph				
322	Regulation (EU) 2019/942 is amended as follows:	Regulation (EU) 2019/942 is amended as follows:	Regulation (EU) 2019/942 is amended as follows:	
Article 4, first paragraph, point (1)				
323	(1) Article 2 is amended as follows:	(1) Article 2 is amended as follows:	(1) Article 2 is amended as follows:	
Article 4, first paragraph, point (1)(a)				
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:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 4, first paragraph, point (1)(a), amending provision, first paragraph			
325	<p>‘</p> <p>(a) issue opinions and recommendations addressed to transmission system operators, the ENTSO for Electricity, the ENTSO for Gas, the EU DSO Entity, the single allocation platform established in accordance with Regulation (EU) 2016/1719, regional coordination centres and nominated electricity market operators , on approving the methodologies, terms and conditions in accordance with Article 4(4), Article 5(2), (3) and (4); on bidding zones reviews as referred to in Article 5(7); on technical issues as referred to in Article 6(1); on arbitration between regulators in accordance with Article 6(10); related to regional coordination centres as referred to in Article 7(2), point (a); on approving and amending methodologies and calculations and technical specifications as referred to in Article 9(1); on approving and amending methodologies as referred to in Article 9(3); on exemptions as</p>	<p>‘</p> <p>(a) issue opinions and recommendations addressed to transmission system operators, the ENTSO for Electricity, the ENTSO for Gas, the EU DSO Entity, the single allocation platform established in accordance with Regulation (EU) 2016/1719, regional coordination centres and nominated electricity market operators , on approving the methodologies, terms and conditions in accordance with Article 4(4), Article 5(2), (3) and (4); on bidding zones reviews as referred to in Article 5(7); on technical issues as referred to in Article 6(1); on arbitration between regulators in accordance with Article 6(10); related to regional coordination centres as referred to in Article 7(2), point (a); on approving and amending methodologies and calculations and technical specifications as referred to in Article 9(1); on approving and amending methodologies as referred to in Article 9(3); on exemptions as</p>	<p>‘</p> <p>(a) issue opinions and recommendations addressed to transmission system operators, the ENTSO for Electricity, the ENTSO for Gas, the EU DSO Entity, the single allocation platform established in accordance with Commission Regulation (EU) 2016/1719¹, the entity designated for the management of the integrated day-ahead and intraday market where applicable, , regional coordination centres and nominated electricity market operators , on approving the methodologies, terms and conditions in accordance with Article 4(4), Article 5(2), (3) and (4); on bidding zones reviews as referred to in Article 5(7); on technical issues as referred to in Article 6(1); on arbitration between regulators in accordance with Article 6(10); related to regional coordination centres as referred to in Article 7(2), point (a); on approving and amending methodologies and calculations and technical specifications as</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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;	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;	referred to in Article 9(1); on approving and amending methodologies as referred to in Article 9(3); on exemptions as referred to in Article 10; on infrastructure as referred to in Article 11 point (d); on matters related to wholesale and nominated electricity market integrity and transparency pursuant to Article 12; operators	
			1. Commission Regulation (EU) 2016/1719 of 26 September 2016 establishing a guideline on forward capacity allocation (OJ L 259, 27.9.2016, p. 42).	
Article 4, first paragraph, point (1)(b)				
326	(b) point (d) is replaced by the following:	(b) point (d) is replaced by the following:	(b) point (d) is replaced by the following:	
Article 4, first paragraph, point (1)(b), amending provision, first paragraph				
327	“ (d) issue individual decisions on the provision of information in accordance with Article 3(2), Article 7(2), point (b), and Article 8, point (c); on approving the methodologies, terms and	“ (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	“ (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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>conditions in accordance with Article 4(4), Article 5(2), (3) and (4); on bidding zones reviews as referred to in Article 5(7); on technical issues as referred to in Article 6(1); on arbitration between regulators in accordance with Article 6(10); related to regional coordination centres as referred to in Article 7(2), point (a); on approving and amending methodologies and calculations and technical specifications as referred to in Article 9(1); on approving and amending methodologies as referred to in Article 9(3); on exemptions as referred to in Article 10; on infrastructure as referred to in Article 11, point (d); on matters related to wholesale market integrity and transparency pursuant to Article 12, on approving and amending proposals from the ENTSO for electricity related to the regional virtual hubs pursuant to Article 5(9); and on approving and amending proposals from the ENTSO for electricity and the EU DSO entity related to the methodology concerning the data and analysis to be provided as regards the flexibility needs</p>	<p>conditions in accordance with Article 4(4), Article 5(2), (3) and (4); on bidding zones reviews as referred to in Article 5(7); on technical issues as referred to in Article 6(1); on arbitration between regulators in accordance with Article 6(10); related to regional coordination centres as referred to in Article 7(2), point (a); on approving and amending methodologies and calculations and technical specifications as referred to in Article 9(1); on approving and amending methodologies as referred to in Article 9(3); on exemptions as referred to in Article 10; on infrastructure as referred to in Article 11, point (d); on matters related to wholesale market integrity and transparency pursuant to Article 12, on approving and amending proposals from the ENTSO for electricity related to the regional virtual hubs pursuant to Article 5(9); and on approving and amending proposals from the ENTSO for electricity and the EU DSO entity related to the methodology concerning the data and analysis to be provided as regards the flexibility needs</p>	<p>conditions in accordance with Article 4(4), Article 5(2), (3) and (4); on bidding zones reviews as referred to in Article 5(7); on technical issues as referred to in Article 6(1); on arbitration between regulators in accordance with Article 6(10); related to regional coordination centres as referred to in Article 7(2), point (a); on approving and amending methodologies and calculations and technical specifications as referred to in Article 9(1); on approving and amending methodologies as referred to in Article 9(3); on exemptions as referred to in Article 10; on infrastructure as referred to in Article 11, point (d);– on matters related to wholesale market integrity and transparency pursuant to Article 12, on approving and amending proposals from the ENTSO for electricity related to the regional virtual hubs pursuant to Article 5(9); and on approving and amending proposals from the ENTSO for electricity and the EU DSO entity related to the methodology concerning the data and analysis to be provided as regards the flexibility needs</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	pursuant to Article 5(10). ; ”	pursuant to Article 5(10). ; ”	pursuant to Article 5(10). ”; ”	
Article 4, first paragraph, point (2)				
328	(2) in Article 3(2), the following fourth subparagraph is added:	(2) in Article 3(2), the following fourth subparagraph is added:	(2) in Article 3(2), the following fourth subparagraph is added:	
Article 4, first paragraph, point (2), amending provision, first paragraph				
329	“ This paragraph shall also apply to the single allocation platform established in accordance with Regulation (EU) 2016/1719.; ”	“ This paragraph shall also apply to the single allocation platform established in accordance with Regulation (EU) 2016/1719.; ”	“ This paragraph shall also apply to the single allocation platform established in accordance with Regulation (EU) 2016/1719 and to the entity designated for the management of the integrated day-ahead and intraday market where applicable. ”; ”	
Article 4, first paragraph, point (3)				
330	(3) in Article 4, the following paragraph 9 is added:	(3) in Article 4, the following paragraph 9 is added:	(3) in Article 4, the following paragraph 9 is added:	
Article 4, first paragraph, point (3), amending provision, numbered paragraph (9)				
331	“ 9. Paragraphs 6, 7 and 8 shall also	“ 9. Paragraphs 6, 7 and 8 shall also	“ 9. paragraphs 6, 7 and– 8 shall	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	apply to the single allocation platform established in accordance with Regulation (EU) 2016/1719.;”	apply to the single allocation platform established in accordance with Regulation (EU) 2016/1719.;”	also apply to the single allocation platform established in accordance with Regulation (EU) 2016/1719 and to the entity designated for the management of the integrated day-ahead and intraday market where applicable.”;	
Article 4, first paragraph, point (4)				
332	(4) in Article 5(8), the following second subparagraph is added:”;	(4) in Article 5(8), the following second subparagraph is added:”;	(4) in Article 5(8), the following second subparagraph is added:”;	
Article 4, first paragraph, point (4), amending provision, first paragraph				
333	“ ACER shall monitor the single allocation platform established in accordance with Regulation (EU) 2016/1719. ”	“ ACER shall monitor the single allocation platform established in accordance with Regulation (EU) 2016/1719. ”	“ ACER shall monitor the single allocation platform established in accordance with Regulation (EU) 2016/1719 and to the entity designated for the management of the integrated day-ahead and intraday market where applicable.” ”	
Article 4, first paragraph, point (5)				
334	(5) In Article 5, the following	(5) In Article 5, the following		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	paragraph 9 is added:	paragraph 9 is added:	<i>deleted</i>	
<i>Article 4, first paragraph, point (5), amending provision, numbered paragraph (9)</i>				
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>Article 4, first paragraph, point (6)</i>				
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:	
<i>Article 4, first paragraph, point (6), amending provision, numbered paragraph (10)</i>				
337	“ 10. ACER shall approve and where necessary amend the joint proposal from the ENTSO for electricity and the EU DSO entity related to the methodology concerning the data and analysis to be provided as regards the flexibility needs pursuant to Article 19e(5) of Regulation (EU) ”	“ 10. ACER shall approve and where necessary amend the joint proposal from the ENTSO for electricity and the EU DSO entity related to the methodology concerning the data and analysis to be provided as regards the flexibility needs pursuant to Article 19e(5) of Regulation (EU) ”	“ 10. ACER shall approve and where necessary amend the joint proposal from the ENTSO for electricity and the EU DSO entity related to the methodology concerning the data and analysis to be provided as regards the flexibility needs pursuant to Article 19e(5) c(4) of Regulation (EU) ”	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	2019/943. "	2019/943. "	2019/943." "	
Article 4, first paragraph, point (6a), first subparagraph				
337a			(6a) in Article 6, paragraph 9, is amended as follows:	
Article 4, first paragraph, point (6a), second subparagraph				
337b			9. ACER shall submit opinions to the relevant regulatory authority and to the Commission pursuant to Article 8(3) and 16(3) of Regulation (EU) 2019/943."	
Article 4, first paragraph, point (7)				
338	(7) in Article 15, the following paragraph 5 is added:	(7) in Article 15, the following paragraph 5 is added:	(7) in Article 15, the following paragraph 5 -is added:	
Article 4, first paragraph, point (7), amending provision, numbered paragraph (5)				
339	“ 5. ACER shall issue a report analysing the national assessments of the flexibility needs and providing recommendations on issues of cross-border relevance	“ 5. ACER shall issue a report analysing the national assessments of the flexibility needs and providing recommendations on issues of cross-border relevance	“ 5. ACER shall issue a report analysing the national assessments of the flexibility needs and providing recommendations on issues of cross-border relevance	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	regarding the findings of the regulatory authorities pursuant to Article 19e(6) of Regulation (EU) 2019/943.;	regarding the findings of the regulatory authorities pursuant to Article 19e(6) of Regulation (EU) 2019/943.;	regarding the findings of the regulatory authorities pursuant to Article 19e(6)(7) of Regulation (EU) 2019/943.;"	
Article 5				
340	Article 5 Entry into force	Article 5 Entry into force	Article 5 Entry into force	
Article 5, first paragraph				
341	This Regulation shall enter into force on the [xxx] day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the [xxx] day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the [xxx twentieth] day following that of its publication in the Official Journal of the European Union.	
Article 5, second paragraph				
342	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	
Formula				
343	Done at Strasbourg,	Done at Strasbourg ,	Done at Strasbourg,	
Formula				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
344	For the European Parliament	For the European Parliament	For the European Parliament	
Formula				
345	The President	The President	The President	
Formula				
346	For the Council	For the Council	For the Council	
Formula				
347	The President	The President	The President	