



Council of the
European Union

Brussels, 18 January 2019
(OR. en)

Interinstitutional File:
2016/0379(COD)

5070/19
COR 2

ENER 2
ENV 4
CLIMA 1
COMPET 8
CONSOM 2
FISC 11
CODEC 14

NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee

No. Cion doc.: 15135/1/16 REV 1
+ ADD 1 REV 1
+ ADD 2 REV 1

Subject: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND
OF THE COUNCIL on the internal market for electricity (recast)
- Analysis of the final compromise text with a view to agreement

In ST 5070/19 INIT:

In order to ensure the consistency with Article 14(7), Article 13a(2), page 71, should read:

*2. Irrespective of the concrete progress of the action plan, Member States shall ensure that without prejudice to derogation under Article 14(7b) **or a deviation under 14(2a)**, the cross-border trade capacities are increased every year up to the benchmark level calculated in accordance with Article 14(7), which is to be achieved by the end of 2025.*

Art. 14, page 77, paragraphs 7 should read:

7. Transmission system operators shall not limit the volume of interconnection capacity to be made available to █ market participants in order to solve congestion inside their own *bidding zone or as a means of managing flows resulting from transaction internal to bidding zones.*

█ *Without prejudice to the application of the derogations under paragraphs 2a and 7b and to the application of article 13a(2), this paragraph shall be considered to be complied with if the following minimum levels of available capacity for cross-zonal trade are reached:*

- (i) *For borders using a coordinated net transmission capacity approach, the minimum level shall be 70% of the **net transmission** capacity respecting operational security limits after deduction of █ contingencies, as determined according to the capacity allocation and congestion management guideline adopted on the basis of Article 18 of the Regulation 714/2009;*

[...]

A clarification that NTC requires a per-border approach is provided in a new recital:

xx) The transmission capacity to which the 70% threshold criterion shall apply in the NTC approach is the maximum transmission of active power which respects operational security limits and takes into account contingencies. The calculation of this per-border capacity also takes into account that electricity flows are distributed unevenly between individual components and is not just adding capacities of interconnecting lines. This capacity does not take into account loop flows, internal flows or the reliability margin which are taken into account within the remaining 30%.