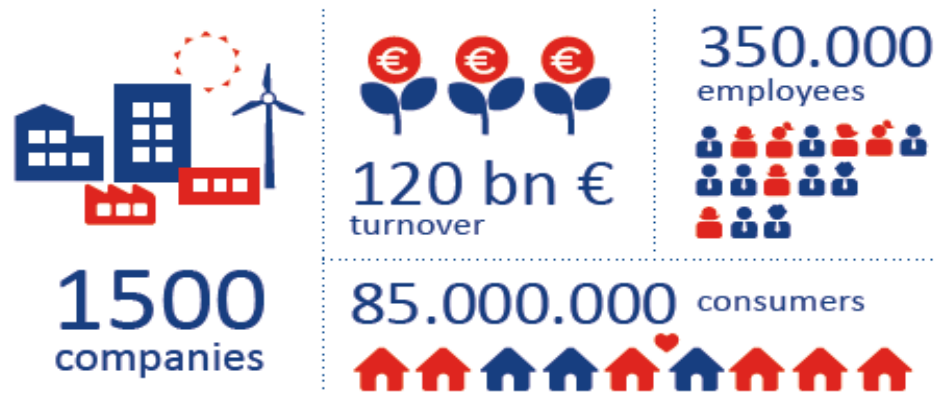


CEDEC - Background information

CEDEC represents the interests of 1.500 local and regional energy companies with a total turnover of €120 billion, serving 85 million electricity and gas customers and connections, with more than 350.000 employees.

These predominantly medium-sized local and regional energy companies have developed activities as electricity and heat generators, as operators of distribution grids and metering systems for electricity, gas and heating & cooling, and as energy (services) suppliers.



The wide range of services provided by local utility companies is reliable, sustainable and close to the customer. Through their investments and local jobs, they make a significant contribution to local and regional economic development.

RECOMMENDATIONS FOR THE CLEAN ENERGY PACKAGE

CEDEC welcomes the European Union's goal to reconcile **ambitious energy and climate targets in a coherent legislative package** that will put energy efficiency first, stimulate more sustainable energy sources, and change the energy market design where necessary to deliver the energy transition at the lowest societal cost.

That is why CEDEC, the European Federation of Local Energy companies, supports the European Commission's objective of adapting different parts of the existing legislative framework to **deliver a more sustainable energy system**, built on citizens' engagement and customers' trust.

As local energy companies, operating close to citizens and customers, we believe in the need to **boost the local dimension**, not only through political messages but also with a legal and regulatory framework that incentivises decentralised and integrated solutions, linking electricity, gas and heating & cooling.

A particular challenge for a review of the market design is to **create a true level playing field** between established and new market actors, in both the generation and the supply of energy products and services. A competitive and flexible European internal energy market can only function if all actors – big and small – can participate actively, with a **clear definition of roles and responsibilities**.

An incentivising framework and an adequate toolbox have to be available for the **Distribution System Operator (DSO) as market facilitator** in a decentralising energy system : with 90% of renewable energy sources connected to the distribution grids, the balancing of demand and supply becomes an increasingly local issue. Also, detailed information on all grid elements and on the customers connected to the grid becomes essential raw materials for smart grid management.

DSOs must be able to acquire the flexibility they need for the grid management, through **flexibility services** or different forms of **energy storage**. They can procure it on the market when competitively priced and well-targeted services are available; if not, they can contract flexibility directly with interested customers and local generators, or own and operate the necessary storage assets in the grid.

EU legislation must find the right **balance between market-based approaches**, that can contribute to lower costs and innovation, **and effective regulation**, which is at times needed to overcome market failures and to achieve objectives of general social and economic interest.

While considering a European dimension where appropriate, and supporting better interconnections where needed, Member States must be allowed to take into account the characteristics of their national energy landscape, with its current and future energy mix, with the potential of renewable and local resources, and with the existing details of market design.

Subsidiarity, along with **proportionality** of EU legislation, will be key to achieving a cost-efficient decentralising energy market that delivers for local authorities, citizens and customers.

Proposal for a revised Electricity Regulation

Article	Text proposed by the Commission	CEDEC amendment
<p>Article 3</p> <p>Principles on electricity markets</p>	<p>Member States, national regulatory authorities, transmission system operators, distribution system operators, and market operators shall ensure that electricity markets are operated in accordance with the following principles:</p> <p>(a) prices shall be formed based on demand and supply;</p> <p>(b) actions which prevent price formation on the basis of demand and supply or constitute a disincentive to the development of more flexible generation, low carbon generation, or more flexible demand shall be avoided;</p> <p>(...)</p> <p>(f) market rules shall deliver appropriate investment incentives for generation, storage, energy efficiency and demand response to meet market needs and thus ensure security of supply;</p> <p>(...)</p>	<p>Member States, national regulatory authorities, transmission system operators, distribution system operators, and market operators shall ensure that electricity markets are operated in accordance with the following principles:</p> <p>(a) prices shall in general reflect demand and supply;</p> <p>(b) actions of market operators which constitute a disincentive to the development of more flexible generation, low carbon generation, or more flexible demand shall be avoided;</p> <p>(...)</p> <p>(f) market rules can in principle deliver appropriate investment incentives for generation, storage, energy efficiency and demand response to meet market needs and thus ensure security of supply;</p> <p>(...)</p>

	(j) all producers shall be directly or indirectly responsible for selling the electricity they generate;	(j) all producers shall in principle be directly or indirectly responsible for selling the electricity they generate;
<p>Justification:</p> <p>As a principle, it is surprising that general “principles” on markets are prescribed in an EU Regulation, whereas this type of content seems to belong to a Directive. → Move the whole article to the Electricity Directive ?</p> <p>Several of these “principles” exclude – or will hinder - measures that are foreseen in the Electricity Directive and Electricity Regulation, or that are currently applied by Member States, like capacity element in distribution tariffs, capacity remuneration mechanisms, dispatching of generation, support for energy efficiency measures, local energy communities.</p> <p>The proposed changes are needed to overcome conflicts with content of the proposed Electricity Directive and Electricity Regulation.</p>		

Article	Text proposed by the Commission	CEDEC amendment
<p>Article 11</p> <p>Dispatching of generation and demand response</p>	<p>2. When dispatching electricity generating installations, transmission system operators shall give priority to generating installations using renewable energy sources or high-efficiency cogeneration from small generating installations or generating installations using emerging technologies to the following extent:</p> <p>(a) generating installations using renewable energy sources or high-efficiency cogeneration with an installed electricity capacity of less than 500 kW; or</p> <p>(b) demonstration projects for innovative technologies.</p> <p>3. Where the total capacity of generating installations subject to priority dispatch under paragraph 2 is higher than 15 % of the total installed generating capacity in a Member State, point (a) of paragraph 2 shall apply only to additional generating installations using renewable energy sources or high-efficiency cogeneration with an installed electricity capacity of less than 250 kW.</p> <p>From 1 January 2026, point (a) of paragraph 2 shall apply only to generating installations using renewable energy sources or high-efficiency cogeneration with an installed electricity</p>	<p>2. When dispatching electricity generating installations, transmission and distribution system operators shall give priority to generating installations using renewable energy sources or high-efficiency cogeneration from small generating installations or generating installations using emerging technologies to the following extent:</p> <p>(a) generating installations using renewable energy sources with an installed electricity capacity of less than 500 kW; or</p> <p>(a1) high efficiency cogeneration; or</p> <p>(b) demonstration projects for innovative technologies.</p> <p>3. Where the total capacity of generating installations subject to priority dispatch under paragraph 2 is higher than 15 % of the total installed generating capacity in a Member State, point (a) of paragraph 2 shall apply only to additional generating installations using renewable energy sources with an installed electricity capacity of less than 250 kW.</p> <p>From 1 January 2026, point (a) of paragraph 2 shall apply only to generating installations using renewable energy sources-with an installed electricity capacity of less than 250 kW or, if the threshold under the first sentence of this paragraph has been</p>

	<p>capacity of less than 250 kW or, if the threshold under the first sentence of this paragraph has been reached, of less than 125 kW.</p> <p>4. Generating installations using renewable energy sources or high-efficiency cogeneration which have been commissioned prior to [OP: entry into force] and have, when commissioned, been subject to priority dispatch under Article 15 (5) of Directive 2012/27/EU of the European Parliament and of the Council or Article 16 (2) Directive 2009/28/EC of the European Parliament and of the Council shall remain subject to priority dispatch. Priority dispatch shall no longer be applicable from the date where the generating installation is subject to significant modifications, which shall be the case at least where a new connection agreement is required or the generation capacity is increased.</p>	<p>reached, of less than 125 kW.</p> <p>4. Generating installations using renewable energy sources or high-efficiency cogeneration which have been commissioned prior to [OP: entry into force] and have, when commissioned, been subject to priority dispatch under Article 15 (5) of Directive 2012/27/EU of the European Parliament and of the Council or Article 16 (2) Directive 2009/28/EC of the European Parliament and of the Council shall remain subject to priority dispatch. Priority dispatch shall no longer be applicable from the date where the generating installation is subject to significant modifications, which shall be the case at least where – the generation capacity is significantly increased.</p>
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Justification:

One of the declared objectives of the Package is to become global leader in renewables. Reducing priority dispatch to only small-scale sustainable generation (like renewables and high-efficiency cogeneration) in a non-level playing field like the European electricity generation market, will most probably not contribute to that goal.

Especially for high-efficiency cogeneration, that takes its energetic and economic efficiency from the simultaneous generation of electricity and heat (for industrial processes or heating), priority dispatch should be guaranteed regardless the size of the installation. Moreover, it should be avoided that currently applied priority dispatch would not be applicable anymore because of changes in an existing connection agreement.

Article	Text proposed by the Commission	CEDEC amendment
<p>Article 16</p> <p>Charges for access to networks</p>	<p>1. Charges applied by network operators for access to networks (...). They shall not discriminate against energy storage and shall not create disincentives for participation in demand response. (...)</p> <p>7. Distribution tariffs shall reflect the cost of use of the distribution network by system users including active customers, and may be differentiated based on system users' consumption or generation profiles. Where Member States have implemented the deployment of smart metering systems, regulatory authorities may introduce time differentiated network tariffs, reflecting the use of the network, in a transparent and foreseeable way for the consumer. (...)</p> <p>9. By [OP: please add specific date – three months after entry into force] the Agency shall provide a recommendation addressed to regulatory authorities on the progressive convergence of transmission and distribution tariff</p>	<p>1. Charges applied by network operators for access to networks (...). They shall not discriminate against energy storage and besides possible capacity elements in grid tariffs shall not create disincentives for participation in demand response. (...)</p> <p>7. Distribution tariffs shall reflect the cost of use of the distribution network by system users including active customers, may contain capacity elements and may be differentiated based on system users' consumption or generation profiles and grid connection capacities. Where Member States have implemented the deployment of smart metering systems, regulatory authorities may introduce time differentiated network tariffs, reflecting the use of the network, in a transparent and foreseeable way for the consumer. (...)</p> <p>9. By [OP: please add specific date – three months after entry into force] the Agency shall provide a recommendation addressed to regulatory authorities on the progressive convergence of transmission tariff methodologies. That</p>

	<p>methodologies. That recommendation shall address at least:</p> <ul style="list-style-type: none"> (a) the ratio of tariffs applied to producers and to consumers; (b) the costs to be recovered by tariffs; (c) time differentiated network tariffs; (d) locational signals; (e) the relationship between transmission and distribution tariffs, including principles relating to non-discrimination; (f) methods to ensure transparency in the setting and structure of tariffs; (g) groups of network users subject to tariffs, including tariff exemptions. 	<p>recommendation shall address at least:</p> <ul style="list-style-type: none"> (a) the ratio of tariffs applied to producers and to consumers; (b) the costs to be recovered by tariffs; (c) time differentiated network tariffs; (d) locational signals; <i>delete</i> (f) methods to ensure transparency in the setting and structure of tariffs; (g) groups of network users subject to tariffs, including tariff exemptions.
<p>Justification:</p> <p>On 16.1 and 16.7 : The systematically rising share of locally connected renewables, along with the ambitious raise of energy efficiency, result in systematically less kWh distributed on the grid. At the same time, DSOs must invest in new smart grid components, and will continue to be responsible for security and quality of electricity supply to all citizens and companies. In order to continue to guarantee solidarity between all energy consumers, there is a need for an adapted financing of distribution grids by introducing capacity elements in distribution tariffs.</p> <p>On 16.9 : Distribution tariffs are a Member State competence; ACER can make recommendations on transmission tariffs and their convergence between Member States, but not on distribution tariffs (also given the “binding” character of the Acer recommendation as described in paragraph 10). Therefore, the 2 references to distribution should be deleted.</p>		

Article	Text proposed by the Commission	CEDEC amendment
<p>Article 49 European entity for DSOs</p>	<p>Distribution system operators which are not part of a vertically integrated undertaking or which are unbundled according to the provisions of Article 35 [recast of Directive 2009/72/EC as proposed by COM(2016) 864/2], shall cooperate at Union level through a European Entity for Distribution system operators ("EU DSO entity"), in order to promote the completion and functioning of the internal market in electricity, and to promote optimal management and a coordinated operation of distribution and transmission systems.</p> <p>Distribution system operators who wish to participate in the EU DSO entity shall become registered members of the entity.</p>	<p>All distribution system operators shall cooperate at Union level through a European Entity for Distribution system operators ("EU DSO entity"), in order to promote the completion and functioning of the internal market in electricity and natural gas, to support the development of a sustainable, decentralizing and more integrated energy system and to promote optimal management and a coordinated operation of distribution and transmission systems.</p> <p>Distribution system operators and/or the associations that represent them at EU level who wish to participate in the EU DSO entity shall become registered members of the entity.</p>
<p>Justification:</p> <p>The proposal limits cooperation only to those DSOs who are unbundled according to Art 35, meaning according to paragraphs 1, 2 and 3 of article 35. All DSOs who fall under the unbundling exemption of Art 35 paragraph 4 – and who are in perfect respect of EU legislation - are excluded from cooperation. This implies that 90% of the DSOs in EU would be excluded, by EU law.</p> <p>In general, all representative organizations (national or European) are excluded, which means that SME-type DSOs would be de facto excluded from any impact or involvement with the development of all aspects of the future regulatory framework for DSOs.</p> <p>Therefore, in order to guarantee fair representation at EU level, the associations through which they follow and contribute to EU affairs should be involved in the set-up and functioning of the EU DSO entity.</p> <p>In general, gas is currently excluded, which will ‘institutionalize’ the electricity-only perspective at distribution level, putting on a side-track the necessary search for integrated solutions, with electricity, gas and district heating & cooling.</p>		

Article	Text proposed by the Commission	CEDEC amendment
<p>Article 50</p> <p>Establishment of the EU DSO entity for electricity</p>	<p>Article 50 - Establishment of the EU DSO entity for electricity</p> <p>(...)</p> <p>4. Within three months of the day of receipt of the Commission's positive opinion, the distribution system operators shall establish the EU DSO entity and adopt and publish its statutes and rules of procedure.</p>	<p>Article 50 - Establishment of the EU DSO entity</p> <p>(...)</p> <p>4. Within three months of the day of receipt of the Commission's positive opinion, the distribution system operators shall establish the EU DSO entity and adopt and publish its statutes and rules of procedure, ensuring a governance structure that guarantees a fair and balanced representation of interests between Member States and between types of companies.</p>
<p>Justification:</p> <p>The title of the article should be in line with the other titles in Chapter VI.</p> <p>The governance structure should guarantee a fair and balanced representation of interests. With a balanced involvement of all Member States; with a balanced involvement of all types of DSOs, including the local SME-type DSOs that are close to citizens; with balanced attention for different types of energy companies, from electricity-only to integrated energy companies (electricity, gas, heating & cooling).</p>		

Article	Text proposed by the Commission	CEDEC amendment
<p>Article 51 Tasks of the DSO entity</p>	<p>1. The tasks of the EU DSO entity shall be the following:</p> <p>(a) coordinated operation and planning of transmission and distribution networks;</p> <p>(b) integration of renewable energy resources, distributed generation and other resources embedded in the distribution network such as energy storage;</p> <p>(c) development of demand response;</p> <p>(d) digitalisation of distribution networks including deployment of smart grids and intelligent metering systems;</p> <p>(e) data management, cyber security and data protection;</p> <p>(f) participation in the elaboration of network codes pursuant to Article 56.</p> <p>2. In addition the EU DSO entity shall:</p> <p>(a) cooperate with ENTSO for electricity on the monitoring of implementation of the network codes and guidelines which are relevant to the operation and planning of distribution grids and the coordinated operation of the transmission and distribution networks and which are adopted pursuant to this Regulation;</p>	<p>1. The main tasks of the EU DSO entity shall be the participation in the elaboration of network codes pursuant to Article 56.</p> <p>2. In addition the EU DSO entity shall:</p> <p>(a) cooperate with the ENTSOs for electricity and natural gas on the monitoring of implementation of the network codes and guidelines which are relevant to the operation and planning of distribution grids and to the coordinated operation of the transmission and distribution networks and which are adopted pursuant to this Regulation;</p>

	<p>(b) cooperate with ENTSO for electricity and adopt best practices on the coordinated operation and planning of transmission and distribution systems including issues such as exchange of data between operators and coordination of distributed energy resources;</p> <p>(c) work on identifying best practices on the areas identified in paragraph 1 and for the introduction of energy efficiency improvements in the distribution network;</p> <p>(d) adopt an annual work programme and an annual report;</p> <p>(e) operate in full compliance with competition rules.</p>	<p>(b) cooperate with the ENTSOs for electricity and natural gas and propose best practices on the coordinated operation and planning of transmission and distribution systems including issues such as exchange of data between operators and coordination of distributed energy resources;</p> <p><i>delete</i></p> <p>(d) adopt an annual work programme and an annual report;</p> <p>(e) operate in full compliance with competition rules.</p>
<p>Justification:</p> <p>In the proposal, the DSO entity <i>shall</i> be responsible for all strategic fields in the DSO business : planning & operation of grids, integration of RES, storage, demand response, deployment of smart grids & smart metering systems, data management, cyber security, elaboration of network codes. This mandatory task list goes far beyond any reasonable limit of subsidiarity and proportionality. Therefore, the tasks should be restricted with respect for subsidiarity and proportionality, taking into account the large diversity of the distribution systems in the EU, and thus limited to what is strictly necessary to regulate at EU level.</p> <p>The EU entity for DSOs should focus mainly on technical support in the development and follow-up of Network Codes.</p> <p>It should be noted that the proposed Regulation excludes the involvement of Member States in the future decision process on Network Codes – Cf. Article 54.</p>		

Article	Text proposed by the Commission	CEDEC amendment
<p>Article 52</p> <p>DSO – Consultations in the NC development process</p>	<p>1. (...)</p> <p>That consultation shall also involve national regulatory authorities and other national authorities, supply and generation undertakings, system users including customers, distribution system operators, including relevant industry associations, technical bodies and stakeholder platforms.</p>	<p>1. (...)</p> <p>That consultation shall also involve national regulatory authorities and other national authorities, supply and generation undertakings, system users including customers, technical bodies and stakeholder platforms</p>
<p>Justification:</p> <p>As all DSOs should be directly involved in the EU DSO entity, they should not be mentioned here as third party stakeholders.</p>		

Article	Text proposed by the Commission	CEDEC amendment
<p>Article 55</p> <p>Establishment of Network Codes</p>	<p>- 1. The Commission is empowered to adopt delegated acts in accordance with Article 63 concerning the establishment of network codes. The network codes referred to in paragraphs 1 and 2 shall cover the following areas, taking into account, if appropriate, regional specificities:</p> <p>(...)</p> <p>(g) capacity-allocation and congestion-management rules including curtailment of generation and redispatch of generation and demand;</p> <p>(...)</p> <p>(k) rules regarding harmonised transmission and distribution tariff structures and connection charges including locational signals and inter-transmission system operator compensation rules; and</p> <p>(...)</p> <p>(n) demand response, including aggregation, energy storage, and demand curtailment rules;</p> <p>(o) cyber security rules; and</p> <p>(...)</p> <p>2. The Commission shall, after consulting the Agency, the</p>	<p>- 1. The Commission is empowered to adopt implementing acts in accordance with Article 63a concerning the establishment of network codes in the following areas:</p> <p>(...)</p> <p>(g) capacity-allocation and congestion-management rules;</p> <p>(...)</p> <p>(k) rules regarding harmonised transmission tariff structures including locational signals and inter-transmission system operator compensation rules; and</p> <p>(...)</p> <p>Delete</p> <p>Delete</p> <p>(...)</p> <p>2. The Commission shall, after consulting the Agency, the ENTSO for Electricity and the other relevant stakeholders, establish a priority list every three years, identifying the areas set out in</p>

	<p>ENTSO for Electricity and the other relevant stakeholders, establish a priority list every three years, identifying the areas set out in paragraph 1 to be included in the development of network codes. If the subject-matter of the network code is directly related to the operation of the distribution system and less relevant for the transmission system, the Commission may require the EU DSO entity for electricity instead of the ENTSO for Electricity to convene a drafting committee and submit a proposal for a network code to the agency.</p> <p>8. The Commission shall request the ENTSO for Electricity or, where so decided in the priority list pursuant to paragraph 2, the EU DSO entity for Electricity, to submit a proposal for a network code which is in line with the relevant framework guideline, to the Agency within a reasonable period of time not exceeding 12 months.</p>	<p>paragraph 1 to be included in the development of network codes. If the subject-matter of the network code is directly related to the operation of the distribution system and less relevant for the transmission system, the Commission may require the EU DSO entity instead of the ENTSO for Electricity to convene a drafting committee and submit a proposal for a network code to the agency.</p> <p>8. The Commission shall request the ENTSO for Electricity or, where so decided in the priority list pursuant to paragraph 2, the EU DSO entity, to submit a proposal for a network code which is in line with the relevant framework guideline, to the Agency within a reasonable period of time not exceeding 12 months.</p>
<p>Justification:</p> <p>On art. 55.1: Delegated acts do not involve the Member States in the adoption process. Till now, via the Comitology process, Member States also have the possibility to amend the proposed texts of network codes and/or guidelines and have to adopt them; in the final step further scrutiny by European Parliament and Council is required. Implementing acts provide the possibility to continue the involvement of the Member States in the process (cf. new article 63a).</p> <p>The number of fields in which the Commission can adopt ‘implementing acts’ is considered too extensive. The topics should be limited to what is strictly necessary to regulate better at EU level, in respect of proportionality and subsidiarity.</p> <p>On art. 55.2 and 55.8: Cf. justification for art. 49.</p>		

Article	Text proposed by the Commission	CEDEC amendment
<p>Article 56</p> <p>Amendments of Network Codes</p>	<p>1. The Commission is empowered to adopt delegated acts in accordance with Article 63 concerning the amendment of network codes following the procedure under Article 55. Amendments can also be proposed by the Agency under the procedure set out in paragraphs 2 to 4 of this article.</p> <p>2. Draft amendments to any network code adopted under Article 55 may be proposed to the Agency by persons who are likely to have an interest in that network code, including the ENTSO for Electricity, the EU DSO entity, transmission system operators, system users and consumers. The Agency may also propose amendments on its own initiative.</p> <p>4. The Commission is empowered to adopt, taking account of the Agency's proposals, amendments to any network code adopted under Article 55 as delegated acts in accordance with Article 63.</p>	<p>1. The Commission is empowered to adopt implementing acts in accordance with Article 63a concerning the amendment of network codes following the procedure under Article 55. Amendments can also be proposed by the Agency under the procedure set out in paragraphs 2 to 4 of this article.</p> <p>2. Draft amendments to any network code adopted under Article 55 may be proposed to the Agency by persons who are likely to have an interest in that network code, including the ENTSO for Electricity, the EU DSO entity, transmission system operators, distribution system operators, system users and consumers. The Agency may also propose amendments on its own initiative.</p> <p>4. The Commission is empowered to adopt, taking account of the Agency's proposals, amendments to any network code adopted under Article 55 as implementing acts in accordance with Article 63a.</p>
<p>Justification:</p> <p>On art. 56.1 and 56.4: Cf. justification for art. 55.1.</p> <p>On art. 56.2: Adding the DSOs in the list of possible actors to introduce amendments is needed to put them on equal footing with the other actors.</p>		

Article	Text proposed by the Commission	CEDEC amendment
<p>Article 57</p> <p>Guidelines</p>	<p>4. Guidelines may also determine appropriate rules relating to charges applied to producers, energy storage and customers (load) under national distribution and transmission tariff systems and connection regimes, including the reflection of the inter-transmission system operator compensation mechanism in national network charges and the provision of appropriate and efficient locational signals, in accordance with the principles set out in Article 16.</p> <p>7. When adopting or amending guidelines, the Commission shall: consult the Agency, the ENTSO for Electricity and other stakeholders where relevant.</p>	<p>4. Guidelines may also determine appropriate rules relating to charges applied to producers, energy storage and customers (load) under national transmission tariff systems and connection regimes, including the reflection of the inter-transmission system operator compensation mechanism in national network charges and the provision of appropriate and efficient locational signals, in accordance with the principles set out in Article 16.</p> <p>7. When adopting or amending guidelines, the Commission shall: consult the Agency, the ENTSO for Electricity, the EU DSO Entity and other stakeholders where relevant.</p>
<p>Justification:</p> <p>On art. 57.4: Amendment follows the proposed amendments in art. 55.1 – cf. justification of art. 55.1.</p> <p>On art. 57.7: Equal treatment of ENTSO-E and the EU DSO Entity.</p>		

Article	Text proposed by the Commission	CEDEC amendment
<p>Article 63</p> <p>Exercise of delegation</p>	<p>2. The power to adopt delegated acts referred to in Article 31(3), Article 46(4), Article 55(1), Article 56 (1) and (4), and Article 59(11) shall be conferred on the Commission for an undetermined period of time from the [OP: please insert the date of entry into force].</p> <p>3. The delegation of power referred to in Article 31(3), Article 46(4), Article 55(1), Article 56 (1) and (4), and Article 59(11) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated act already in force.</p> <p>(...)</p> <p>6. A delegated act adopted pursuant to Article 31(3), Article 46(4), Article 55(1), Article 56 (1) and (4), and Article 59(11) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have</p>	<p>2. The power to adopt delegated acts referred to in Article 31(3), Article 46(4) and Article 59(11) shall be conferred on the Commission for an undetermined period of time from the [OP: please insert the date of entry into force].</p> <p>3. The delegation of power referred to in Article 31(3), Article 46(4) and Article 59(11) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated act already in force.</p> <p>(...)</p> <p>6. A delegated act adopted pursuant to Article 31(3), Article 46(4) and Article 59(11) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be</p>



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	both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	extended by two months at the initiative of the European Parliament or of the Council.
<p>Justification:</p> <p>Articles 55.1, Article 56.1 and 56.4 are proposed to fall under implementing acts, as described in the new Article 63a.</p>		

Article	Text proposed by the Commission	CEDEC amendment
<p>Article 63a (new)</p> <p>Exercise of implementation</p>	<p><i>No text</i></p>	<ol style="list-style-type: none"> 1. The power to adopt implementation acts is conferred on the Commission subject to the conditions laid down in this Article. 2. The implementing acts will be conducted according to the examination procedure laid down in Regulation N°182/2011. 3. The power to adopt implementing acts referred to in Article 55(1), Article 56 (1) and (4) shall be conferred on the Commission for a period of 5 years from the [OP: please insert the date of entry into force]. After evaluation in the European Parliament and the Council, a new period of 5 years may be conferred on the Commission. 4. The power to adopt implementing acts referred to in Article 55(1), Article 56 (1) and (4) may be revoked at any time by the European Parliament or by the Council. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any implementing act already in force. 5. An implementing act adopted pursuant to Article 55(1), Article 56(1) and (4) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object.

		<p>That period shall be extended by two months at the initiative of the European Parliament or of the Council.</p>
<p>Justification:</p> <p>Cf. justification for art. 55.1 :</p> <p>Delegated acts do not involve the Member States in the adoption process. Till now, via the Comitology process, Member States also have the possibility to amend the proposed texts of network codes and/or guidelines and have to adopt them; in the final step further scrutiny by European Parliament and Council is required. Implementing acts provide the possibility to continue the involvement of the Member States in the process.</p>		