



EUROPEAN COMMISSION

Brussels, 20. III. 2012
C/2012/ 1738 final

Dear President,

The Commission would like to thank the Senato della Repubblica for its opinion on the proposal for a Regulation of the European Parliament and the Council concerning the integrity and transparency of energy market {COM(2010) 726 final}.

You raised concerns about the use of delegated acts to make changes to the definitions of market manipulation and inside information set out in Article 2 of the proposal. The Commission considers the possibility to update definitions in line with changes in financial markets and changes on wholesale energy markets in general to be crucial. Wholesale energy markets encompass both commodity markets and derivative markets, and price formation in both sectors is interlinked. It is important to ensure that the definitions of market abuse applying on financial and energy markets are consistent. Moreover, markets are dynamic and can become susceptible to new types of market abuse.

The Commission proposal was examined in detail by the Council and the European Parliament. The specific points you raised were discussed in great detail and the findings raised in your resolution were taken into account in this context. In June, following negotiations between the European Parliament, the Presidency of the Council and the Commission, a political agreement was reached between the institutions. The agreed text empowered the Commission to adopt delegated acts to align definitions for the purpose of ensuring coherence with other relevant Union legislation in the fields of financial services and energy, and to update definitions for the sole purpose of taking into account future developments on wholesale energy markets.

In September the European Parliament voted to accept the agreed text which was subsequently also approved by the Council in October. The new Regulation was published in the Official Journal on 8 December 2011 and entered into force twenty days thereafter.

I am looking forward to continuing our policy dialogue, whilst apologising for the undue delay in this response.

Yours faithfully,

Maroš Šefčovič
Vice-President

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