



ROMANIAN PARLIAMENT CHAMBER OF DEPUTIES

DECISION

On the adoption of the reasoned opinion concerning the Proposal for a Regulation of the European Parliament and of the Council on the internal market for electricity (recast) COM (2016) 861

In accordance with Article 67 and Article 148 of the Romanian Constitution, republished, with Law no.373/2013 regarding the cooperation between the Parliament and Government in the area of European Affairs and of Art.160-185 of the Regulation of the Chamber of Deputies, approved by the Chamber of Deputies Decision no. 8/1994, republished, with subsequent amendments and additions,

The Chamber of Deputies hereby adopts the present decision.

Sole Article – Having regard to the Reasoned Opinion no. 4c-19/170 adopted by the Committee on European Affairs, at the meeting of 3 May 2017, the Chamber of Deputies:

1. Notes that the conditions established by the Treaties are accomplished so that the proposal should make the object of the parliamentary control of subsidiarity; it has a legislative character and belongs to the category of competences which are not exclusive to the EU according to the stipulations of Art.4, paragraph (1), Art.5, paragraph (2) of the TEU and, respectively, of Art. 2, paragraph (6) of the TFEU.
2. Finds that the transnational aspects are obvious, which would justify an action, at the level of the European Union, to achieve the objectives, if the proposed regulatory intervention would be in line with the EU Treaties.
3. Considers that the establishment of regional operational centres, provided for in Art.32 of the proposal, as decisional structures that combine national transmission operators, is not presenting added value compared to the current mechanism of cooperation between national operators, mechanism which does not entail the transfer of decision-making powers. This mechanism has proven to be also effective in situations of energy supply crisis, so that amending it by setting regional decision-making centres does not seem to be justified.
4. Considers that the introduction of regional operational centres' right to issue binding acts is incompatible with the responsibilities of the Member States in terms of security in

energy supply, and sharing responsibilities between national and regional operators induces a risk of regulatory conflict and even one of misunderstanding at policy level, with effects on operational functioning of national electricity systems, without generating an advance in the convergence of the single market for energy through this newly created right.

5. Points out that the establishment of „the cross-border relevance” as a condition for the exercise of decision-making powers to the Agency for the Cooperation of Energy Regulators (ACER), runs the risk to discretionarily entail a permanent transfer of regulatory rights at national level, as any misunderstanding between the regulatory agencies of neighbouring Member States could be seen by it as a cross-border issues, on the basis of the regulatory framework of the Single Market.

6. Considers that the obligation introduced by the regulatory proposal for national regulatory authorities to submit for approval the proposals for regional cooperation to the Agency for the Cooperation of Energy Regulators (ACER) represents a direct violation of the subsidiarity principle.

7. Calls for a clarification of the method of establishing bidding zones, in order to respect the agreed tasks of the Agency for the Cooperation of Energy Regulators (ACER), because the proposal for a regulation transfers at EU level the decision-making power from member states regarding capacity allocation and congestion management, although the decision has a preponderant technical character and additionally introduces the right of ACER to approve the methodology and hypotheses used in reconfiguration, as well as alternative configurations of the bidding zones, right which should be convened beforehand by the Member States.

8. Notes the fact that the right conferred to the European Commission, to establish other responsibilities to the Agency for the Cooperation of Energy Regulators (Article 14 of the proposal), includes the establishing of additional decision-making powers, which is an action going beyond the role of the European Commission laid in the treaties, this being a task conferred exclusively within the legislative mechanism of the Member States.

9. Considers that the degree of detail of the proposed rules is far too great, and the administrative documents categories introduced by regulation, namely the decisions and recommendations of the Regional Operational Centres and approvals issued by the Agency for the Cooperation of Energy Regulators can deprive of their effectiveness the decisions issued by the regulatory authorities of the Member States.

10. Mentions that the liberalisation of the energy market and maintaining the derogation for the application of regulated tariffs only for combating energy poverty and protecting vulnerable residential consumers, should not affect the right of the Member States to protect the consumers and to ensure competitiveness of economic bodies, as their characteristics vary from one state to another.

11. Draws attention over the difficulties to ensure the coherence and coordination of national authorities in the decision-making mechanism introduced by the proposal, which is presenting more decisional centres with different analysis horizons and discretionary or excessive mechanisms of transfer of the decision-making power, a multitude of circumstantial conditions and a high degree of bureaucratisation, aspects that are capable of affecting the decision-making power of the Member States, without an added value of the intervention proposed by regulation at EU level being obtained through this.

12. Considers that, because the proposal for a regulation is unduly transferring decision-making powers to certain bodies of the Union whose exercise seems as more efficient at Member States level and, under the aspect of achieving declared objectives, does not have sufficient added value, the principle of subsidiarity is being breached and the issue of a reasoned opinion is imposed.

This Decision was adopted by the Chamber of Deputies during its session on 9 May 2017, in compliance with the provisions of Art. 76, paragraph (2) of the Romanian Constitution, republished.

**p.p. President
of the Chamber of Deputies**

Petru-Gabriel VLASE

Bucharest, 9 May 2017

No. 36

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