



Council of the
European Union

141393/EU XXV.GP
Eingelangt am 28/04/17

Brussels, 28 April 2017
(OR. en, da)

8618/17

Interinstitutional Files:

2016/0379 (COD)
2016/0378 (COD)
2016/0377 (COD)
2016/0380 (COD)

ENER 146
ENV 389
CLIMA 102
COMPET 276
CONSUM 161
FISC 87
CODEC 676
INST 180
PARLNAT 126

COVER NOTE

From: the Danish Parliament
date of receipt: 21 April 2017
To: the President of the European Council

Subject: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the internal market for electricity (recast)
[doc. 15135/16 ENER 418 ENV 758 CLIMA 169 COMPET 637 CONSUM 301 FISC 221 IA 131 CODEC 1809 - COM(2016) 861]
Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a European Union Agency for the Cooperation of Energy Regulators
[doc. 15149/16 ENER 419 ENV 758 IA 134 CODEC 1815 - COM(2016) 863]
Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on risk-preparedness in the electricity sector and repealing Directive 2005/89/EC
[doc. 15151/16 ENER 421 IA 136 CODEC 1817 - COM(2016) 862]
Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on common rules for the internal market in electricity (recast)
[doc. 15150/16 ENER 420 ENV 760 CLIMA 171 COMPET 640 CONSUM 302 FISC 222 IA 133 CODEC 1816 - COM(2016) 864]
- Opinion on the application of the Principles of Subsidiarity and Proportionality

Delegations will find attached the above-mentioned document.



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Politisk udtalelse om tre forslag til forordninger og et forslag til direktiv om Vinterpakken

12. april 2017

Europaudvalget og Energi-, Forsynings- og Klimaudvalget afgiver hermed en udtalelse om henholdsvis forordning KOM (2016) 0861 om det indre marked for elektricitet, forordning KOM (2016) 0862 om beredskab i elsektoren, forordning om EU agentur for samarbejde om regulering af elmarkedet og direktivet KOM (2016) 0864, om fælles regler for det indre marked for elektricitet der indgår i Kommissionens Vinterpakke.

Ref. 17-000138-3

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I denne forbindelse bemærker Europaudvalget og Energi-, Forsynings og Klimaudvalget følgende:

Et *flertal* i udvalget (S, V, LA, ALT, RV, SF og KF) har på den baggrund vurderet, at forslagene ikke strider mod nærhedsprincippet.

Et *andet flertal* i udvalget (S, V, LA, ALT, SF og KF) har desuden forholdt sig til forslagernes konkrete indhold og foreslår på den baggrund, at Folketinget sender følgende *udtalelse* til Kommissionen, Rådet og Europa-Parlamentet:

"Folketinget ønsker at henlede Kommissionens opmærksomhed på, at det kommende direktiv og forordning om elmarkedsdesign kan få indvirkning på beslutninger om investeringer i grænseoverskridende elforbindelser samt i investeringer i lagringsløsninger for energi med henblik på lokal lagring og udnyttelse. Afhængigt af, hvordan de endelige elmarkedsbestemmelser udformes, kan der skabes en skævvridning i den vægt, værdien af grænseoverskridende elforbindelser gives i forhold til f.eks. investeringer i energilagring eller lokale kredsløb, hvori der typisk vil være et lavere samlet energitab. Folketinget opfordrer Kommissionen til at sikre lige vilkår for de forskellige løsninger, således at grænseoverskridende forbindelser ikke overprioriteres. Det er vigtigt at fastslå, at der ikke er tale om et enten/eller. Vi skal både sikres gode forbindelser for køb og salg af el på tværs af grænser og muliggøre, at overskydende VE-produktion kan udnyttes i det nationale energisystem. Den endelige balance i udnyttelsen af overskuddet må afhænge af markedet".

Et *mindretal* i udvalget (DF) finder, at Vinterpakken strider imod nærhedsprincippet, idet Vinterpakken på mange måder forhindrer Danmark i at tilrettelægge dansk lovgivning og dermed det danske elmarked, på en måde, som set med danske øjne er mest hensigtsmæssig. Dermed finder Dansk Folkeparti, at Vinterpakken strider mod nærhedsprincippet.

Et *andet mindretal* i udvalget (EL) mener, at Vinterpakken på mange områder strider mod nærhedsprincippet. Når vi i Danmark på energiområdet er nået dertil, hvor vi er, skyldes det i høj grad en national styret strategi for udvikling af vedvarende energi. Vinterpakken griber på mange måder ind i denne nationale bestemmelsesret, idet Vinterpakken giver EU ret til at lovgive på energiområdet på måder, som vi sandsynligvis kan gøre bedre nationalt, hvis vi skal opfylde de nationale målsætninger om elektrificering af samfundet og omstillingen til 100 pct. vedvarende energi.

Vinterpakken giver således EU ret til at fastlægge rammerne for, hvorledes vedvarende energi skal integreres i et indre elmarked, selv om vi i Danmark ønsker at integrere vedvarende energi i hele energisystemet. EU har en sæljetilgang, som ikke afspejler Danmarks strategi, og EU-forordningen vil derfor modvirke en bedre national løsning og dermed stride mod nærhedsprincippet.


Vinterpakken kan pålægge Danmark at udvikle et EU-styret kriseberedskab for elforsyningen, hvilket ikke nødvendigvis vil være med en model, som set fra en dansk synsvinkel er mest optimal. Derfor strider dette også mod nærhedsprincippet.

Vinterpakken åbner for et direktiv, der etablerer fælles markedsregler for et indre marked for elektricitet. Dette kan vise sig at stride lodret imod danske ønsker til, hvorledes vi gerne ser, elmarkedet fungerer i Danmark. Med et sådant direktiv har vi yderst begrænset indflydelse på fremtidens elmarked i Danmark. Så også her strider Vinterpakken mod nærhedsprincippet.

Endelig skal nævnes, at den markedsbaserede prisdannelse, som er intentionen, indebærer, at Danmark og andre EU-lande begrænses i at have foranstaltninger, der beskytter særligt udsatte husstande, hvorfor Vinterpakken dermed også har asociale aspekter, der griber ind i nærhedsprincippet.

Med venlig hilsen


Thomas Danielsen



Formand for

Energi-, Forsynings- og Klimaudvalget

Erik Christensen



Formand for Europaudvalget



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Political opinion submitted to the Commission on four proposals for Regulations and a Directive on the Winterpackage

12 April 2017

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The European Affairs Committee of the Danish Parliament and the Energy, Utilities and Climate Committee of the Danish Parliament submit the following opinion on COM (2016) 861 on the Regulation on the Internal Market for electricity, on COM (2016) 862, on the Regulation on risk preparedness in the electricity market, on COM (2016) 863 on Regulation establishing a European Union Agency for the Cooperation of Energy Regulators, and on COM (2016) 864) on a Directive on common rules for the internal market in electricity as part of the Winter-package.

In this connection, the European Affairs Committee and the Energy, Utilities and Climate Committee wish to make the following comments:

Against that background, a *majority* in the Committee (the Danish Social Democrats, the Liberal Party, Liberal Alliance, the Alternative, the Social Liberal Party, the Socialist People's Party and the Conservative Party) found that the proposals are not contrary to the principle of subsidiarity.

Another majority in the Committee (the Danish Social Democrats, the Liberal Party, Liberal Alliance, the Alternative, the Socialist People's Party and the Conservative Party) also considered the concrete contents of the proposals. Against this background, they propose that the Danish Parliament submit the following *opinion* to the Commission, the Council and the European Parliament:

"The Danish Parliament wishes to draw the Commission's attention to the fact that the future directive and regulation on the electricity market design may affect decisions to invest in cross-border electricity links and decisions to invest in storage solutions for energy with a view to local storage and use. Depending on the wording of the final electricity market provisions, there is a risk of generating distortions in the weighting assigned to the value of cross-border electricity links compared with e.g. investments in energy storage or

local cycles, which will typically involve a lower total energy loss. The Parliament calls on the Commission to ensure a level playing field among solutions so that cross-border links are not overprioritised. It is important to establish that it is not a question of either/or. We must ensure that we have good links for purchasing and selling energy across borders as well as enable renewable production surplus to be used in the national energy system. The final balance in the use of the surplus must depend on the market.”.

A minority in the Committee (the Danish People’s Party) finds that the Winter Package is contrary to the principle of subsidiarity, as the Winter Package in many ways prevents Denmark from organising Danish legislation, and thus the Danish electricity market, in a way that, from a Danish point of view, is most expedient. Therefore, the Danish People’s Party finds that the Winter Package is contrary to the principle of subsidiarity.

Another minority in the Committee (the Red-Green Alliance) believes that the Winter Package is contrary to the principle of subsidiarity in many respects. Denmark’s position in the energy area has very much been obtained through a nationally controlled strategy for the development of renewable energy. The Winter Package interferes with this national right to decide, as the Winter Package enables the EU to legislate in ways that we can probably do better nationally if we are to fulfil the national objectives of an electrification of society and the transition to 100 percent renewable energy.

The Winter Package thus enables the EU to define the framework for how to integrate renewable energy into a single electricity market, even though we wish to integrate renewable energy into the entire energy system in Denmark. The EU applies a pillar approach that does not reflect Denmark’s strategy. Therefore, the EU regulation will defeat a better national solution and thus be contrary to the principle of subsidiarity.

The Winter Package may impose an obligation on Denmark to develop an EU-controlled preparedness for crises in connection with the electricity supply, which will not necessarily be the most optimal model from a Danish point of view. Therefore, this is also contrary to the principle of subsidiarity.

The Winter Package introduces a directive that establishes common market rules for a single market for electricity. This may turn out to be in diametric opposition to Danish wishes for how we would like the electricity market to function in Denmark. Such a directive will severely limit Denmark’s influence on the future electricity market in Denmark. In this regard as well, the Winter Package is contrary to the principle of subsidiarity.

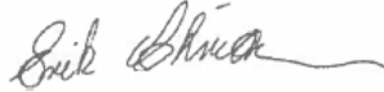
Finally, the market-based price formation, which is intended, means that Denmark’s and other EU countries’ possibilities of having measures that

protect particularly vulnerable households are limited. Therefore, there are also anti-social aspects to the Winter Package that interfere with the principle of subsidiarity.

Yours sincerely,

Thomas Danielsen

Erik Christensen



Chair of the Energy, Utilities and Climate
Committee

Chair of the European
Committee
