



Council of the  
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**Interinstitutional File:**  
**2016/0379 (COD)**

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ENV 639  
CLIMA 196  
COMPET 510  
CONSOM 267  
FISC 148  
CODEC 1113

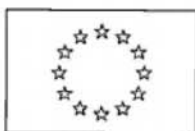
**NOTE**

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From:	General Secretariat of the Council
To:	Delegations
No. Cion doc.:	15135/16 ENER 418 ENV 758 CLIMA 169 COMPET 637 CONSOM 301 FISC 221 IA 131 CODEC 1809
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the internal market for electricity (recast) - Opinion of the Consultative Working Party of Legal Services

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Delegations will find attached the opinion of the Consultative Working Party of Legal Services regarding the above mentioned subject.



GROUPE CONSULTATIF  
DES SERVICES JURIDIQUES

Brussels, 20 JUN 2017

## OPINION

FOR THE ATTENTION OF THE EUROPEAN PARLIAMENT  
THE COUNCIL  
THE COMMISSION

**Proposal for a Regulation of the European Parliament and of the Council on the internal market for electricity (recast)**

**COM(2016) 861 final/2 of 23.2.2017 - 2016/0379 (COD)**

Having regard to the Inter-institutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts, and in particular to point 9 thereof, the Consultative Working Party consisting of the respective legal services of the European Parliament, the Council and the Commission met on 3 May 2017 for the purpose of examining, among others, the aforementioned proposal submitted by the Commission.

At that meeting<sup>1</sup>, an examination of the proposal for a Regulation of the European Parliament and of the Council recasting Regulation (EC) No 714/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network for cross-border exchanges in electricity and repealing Regulation (EC) No 1228/2003 resulted in the Consultative Working Party's establishing, by common accord, that the following should have been marked with the grey-shaded type generally used for identifying substantive changes:

- in Article 27(1)(b), the adding of the words '*and publish*';
- in Article 27(1)(j), the adding of the words '*pursuant to Article 9(2) [Regulation on risk preparedness as proposed by COM(2016) 862]*';
- in Article 29(1), first subparagraph, and in Article 31(1), the replacement of the current reference to '*Article 8(1), (2) and (3)*' with a reference to '*Article 27(1), (2) and (3)*';
- in Article 29(1), second subparagraph, the replacement of the current reference to '*Article 8(2)*' with a reference to '*Article 55(14)*';
- in Article 29(1), third subparagraph, the replacement of the current reference to '*Article 6(11)*' with a reference to '*Article 54(1)*';
- in Article 30, the reference to Article 54;

<sup>1</sup> The Consultative Working Party worked on the basis of the English language version of the proposal, being the master-copy language version of the text under discussion.

- in Article 56(4), the words '*in accordance with Article 63*';
- in Article 56(5), the replacement of the current reference to '*Article 23(2)*' with a reference to '*Article 63*';
- in Article 57(6), the deletion of the words '*and the Agency opinion*'.

In consequence, examination of the proposal has enabled the Consultative Working Party to conclude, without dissent, that the proposal does not comprise any substantive amendments other than those identified as such. The Working Party also concluded, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, that the proposal contains a straightforward codification of the existing legal text, without any change in its substance.



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Director General

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