



*Committee on International Trade
Committee on Industry, Research and Energy
Committee on the Internal Market and Consumer Protection*

2026/0068(COD)

13.10.2026

AMENDMENTS

3725 - 3996

Draft report

Anna Cavazzini, Christophe Grudler, Pierre Jouvét
(PE792.067v02-00)

Proposal for a Regulation of the European Parliament and of the Council
establishing a framework of measures for the acceleration of industrial capacity
and decarbonisation in strategic sectors and amending Regulations (EU)
2018/1724, (EU) 2024/1735 and (EU) 2024/3110

Proposal for a regulation
(COM(2026)0100 – C10-0067/2026 – 2026/0068(COD))

AM_Com_LegReport

Amendment 3725

Virgil-Daniel Popescu, Siegfried Mureşan, Daniel Buda, Dan-Ştefan Motreanu, Ioan-Rareş Bogdan, Mircea-Gheorghe Hava, Gheorghe Falcă, Iuliu Winkler, Loránt Vincze

Proposal for a regulation

Article 34 – paragraph 1 – point 1 – introductory part

Text proposed by the Commission

(1) in Article 3 the following points
(34), (35) and (36) are added:

Amendment

(1) in Article 3 the following points
(34), (35), (36), (37) and (38) are added:

Or. en

Amendment 3726

Mariateresa Vivaldini, Daniele Polato, Carlo Fidanza, Elena Donazzan, Nicola Procaccini, Sergio Berlato, Stefano Cavedagna, Carlo Ciccio, Alessandro Ciriani, Giovanni Crosetto, Pietro Fiocchi, Alberico Gambino, Chiara Gemma, Paolo Inselvini, Lara Magoni, Mario Mantovani, Giuseppe Milazzo, Denis Nesci, Michele Picaro, Ruggero Razza, Antonella Sberna, Marco Squarta, Francesco Torselli, Jessika van Leeuwen, Francesco Ventola

Proposal for a regulation

Article 34 – paragraph 1 – point 1 – introductory part

Text proposed by the Commission

(1) in Article 3 the following points
(34), (35) and (36) are added:

Amendment

(1) in Article 3 the following points
(34), (35), (36), (37) and (38) are added:

Or. en

Justification

Consistency with the other amendments.

Amendment 3727

Letizia Moratti, Fulvio Martusciello, Massimiliano Salini, Salvatore De Meo

Proposal for a regulation

Article 34 – paragraph 1 – point 1 – introductory part

Text proposed by the Commission

(1) in Article 3 the following points

Amendment

(1) in Article 3 the following points are

(34), (35) and (36) are added:

added:

Or. en

Amendment 3728

Pierre Jouvét, Kathleen Van Brempt, Jens Geier, François Kalfon, René Repasi, Jean-Marc Germain, Matthias Ecke, Ștefan Mușoiu, Marc Angel, Elena Sancho Murillo, Bruno Tobback, Elisabeth Grossmann, Laura Ballarín Cereza, Raphaël Glucksmann, Niels Fuglsang

Proposal for a regulation

Article 34 – paragraph 1 – point 1

Regulation (EU) 2024/1735

Article 3 – paragraph 1 – point 36 (new)

Text proposed by the Commission

Amendment

(36) ‘hydronic heat pump’ means *a space heater using ambient heat from an air source, water source or ground source, and/or waste heat for heat generation and heating space through a water circuit.*

deleted

Or. en

Amendment 3729

Letizia Moratti, Fulvio Martusciello, Massimiliano Salini, Salvatore De Meo

Proposal for a regulation

Article 34 – paragraph 1 – point 1

Regulation (EU) 2024/1735

Article 3 – paragraph 1 – point 36 (new)

Text proposed by the Commission

Amendment

(36) ‘hydronic heat pump’ means *a space heater using ambient heat from an air source, water source or ground source, and/or waste heat for heat generation and heating space through a water circuit.*

(36) ‘hydronic heat pump’ means *heat generator of any capacity, intended for residential, commercial or industrial applications, with a heat pump cycle to capture ambient heat from air, water or ground, and/or waste heat and to generate heat for space heating, or for water heating, or for the heating of industrial processes, delivering the heat through a*

water circuit, *including both electric and thermally driven gas heat pumps as well as hybrid heat pumps combining in a single-operated system a heat pump with one or more supplementary heat generator. (e.g. a heat generator powered by a green gas like biomethane or hydrogen). The Commission shall, on an annual basis, assess the development of manufacturing capacity within the Union for heat pump technologies not covered by the definition of “hydronic heat pump”, including air-to-air heat pumps, with a view to assessing the evolution of the Union manufacturing base, investment trends, production capacity, market shares, supply-chain dependencies and the Union added value generated by such technologies. Where the assessment demonstrates that sufficient and competitive manufacturing capacity for such technologies has been established or is being established within the Union, and that their inclusion would contribute to strengthening the Union industrial base and reducing strategic dependencies, the Commission shall be empowered to include such technologies within the scope of this Regulation by means of a delegated act. The Commission shall ensure that any such extension is based on objective and transparent criteria, including the availability of Union manufacturing capacity, the level of Union added value, supply-chain resilience, the degree of dependence on third-country suppliers and the contribution of the technology to the Union's decarbonisation objectives.*

Or. en

Amendment 3730
Annalisa Corrado

Proposal for a regulation
Article 34 – paragraph 1 – point 1

Text proposed by the Commission

(36) ‘hydronic heat pump’ means **a space heater using** ambient heat from **an air source**, water **source** or ground **source**, and/or waste heat **for heat generation and** heating **space** through a water circuit.’

Amendment

(36) ‘hydronic heat pump’ means **heat generator of any capacity, intended for residential, commercial or industrial applications, with a heat pump cycle to capture** ambient heat from **air**, water or ground **sources**, and/or waste heat **and to generate heat for space heating, or for water heating, or for the heating of industrial processes, delivering the heat** through a water circuit, **including both electric and thermally driven gas heat pumps as well as hybrid heat pumps combining in a single-operated system a heat pump with one or more supplementary heat generator (e.g. a heat generator powered by a green gas like biomethane or hydrogen).**’

Or. en

Justification

The new definition of “hydronic heat pump” is welcomed, but should remain consistent with existing EU legislation, notably the Ecodesign and Energy Labelling frameworks, including the definition of “heat pump space heater” under Commission Delegated Regulation (EU) No 811/2013. Gas and hybrid heat pumps should also be explicitly recognised under the IAA, as they can contribute to decarbonisation through renewable gases while using existing infrastructure. Their inclusion would ensure a technology-neutral approach and support the competitiveness of European manufacturers.

Amendment 3731

Mariateresa Vivaldini, Nicolas Bay, Daniele Polato, Carlo Fidanza, Elena Donazzan, Nicola Procaccini, Sergio Berlato, Stefano Cavedagna, Carlo Ciccio, Alessandro Ciriani, Giovanni Crosetto, Pietro Fiocchi, Alberico Gambino, Chiara Gemma, Paolo Inselvini, Lara Magoni, Mario Mantovani, Marion Maréchal, Giuseppe Milazzo, Denis Nesci, Michele Picaro, Ruggero Razza, Antonella Sberna, Marco Squarta, Francesco Torselli, Jessika van Leeuwen, Francesco Ventola

Proposal for a regulation

Article 34 – paragraph 1 – point 1

Regulation (EU) 2024/1735

Article 3 – paragraph 1 – point 36 (new)

Text proposed by the Commission

(36) ‘hydronic heat pump’ means **a space heater using** ambient heat from **an air source**, water **source** or ground **source**, and/or waste heat **for heat generation and** heating **space** through a water circuit.’

Amendment

(36) ‘hydronic heat pump’ means **heat generator of any capacity, intended for residential, commercial or industrial applications, with a heat pump cycle to capture** ambient heat from **air**, water or ground **sources**, and/or waste heat, **and to generate heat for space heating, water heating or industrial processes, delivering the heat** through a water circuit, **including both electric and thermally driven gas heat pumps as well as hybrid heat pumps combining in a single-operated system a heat pump with one or more supplementary heat generators.**’

Or. en

Justification

The definition should reflect the full range of hydronic heat pump technologies and applications available on the market. A technologically neutral approach should cover residential, commercial and industrial uses, as well as electric, thermally driven and hybrid solutions.

Amendment 3732

Nicolás González Casares, Javier Moreno Sánchez, Leire Pajín, Idoia Mendia, José Cepeda, Elena Sancho Murillo, Sandra Gómez López, Lina Gálvez, Juan Fernando López Aguilar, Alicia Homs Ginel, Hana Jalloul Muro, Laura Ballarín Cereza

Proposal for a regulation

Article 34 – paragraph 1 – point 1

Regulation (EU) 2024/1735

Article 3 – paragraph 1 – point 36 (new)

Text proposed by the Commission

(36) ‘**hydronic** heat pump’ means a **space heater using** ambient heat from **an air source**, water **source** or ground **source**, and/or waste heat **for heat generation and** heating **space** through a water circuit.’

Amendment

(36) ‘heat pump’ means a **heat generator of any capacity, intended for residential, commercial or industrial applications, with a heat pump cycle to capture** ambient heat from **air**, water or ground **sources**, and/or waste heat **and to generate heat for space heating, or for water heating, or for the heating of**

industrial processes, delivering the heat through a water circuit.'

Or. en

Amendment 3733
Dario Tamburrano

Proposal for a regulation
Article 34 – paragraph 1 – point 1
Amendments to Regulation (EU) 2024/1735
Article 3 – paragraph 1 – point 36 (new)

Text proposed by the Commission

(36) ‘*hydronic* heat pump’ means *a space heater using ambient heat from an air source, water source or ground source, and/or waste heat for heat generation and heating space through a water circuit.*

Amendment

(36) ‘heat pump’ means *heat pump as defined in Article 3, point (41) of Regulation (EU) 2024/573*

Or. en

Justification

Aggiungi condizionatori

Amendment 3734
Christophe Grudler, Bart Groothuis, Nikola Minchev, Stéphanie Yon-Courtin, Morten Løkkegaard, Sigrid Friis, Sandro Gozi, Brigitte van den Berg, Yvan Verougstraete

Proposal for a regulation
Article 34 – paragraph 1 – point 1a (new)
Regulation 2024/1735
Article 3 – paragraph 1 – point 27

Text proposed by the Commission

(27) ‘auction’ means a mechanism for competitive tendering procedures to support the production or consumption of energy from renewable sources that does not fall under Directive 2009/81/EC or Directive 2014/23/EU, 2014/24/EU or 2014/25/EU;

Amendment

(1a) In Article 3, point 27 is replaced by the following:

(27) ‘auction’ means a mechanism for competitive tendering procedures to support the production or consumption of energy from renewable sources that does not fall under Directive 2009/81/EC or Directive 2014/23/EU, 2014/24/EU or

2014/25/EU, *or capacity mechanisms targeting exclusively the deployment of net-zero technologies.*

Or. en

Justification

This amendment extends the definition of auction to capacity mechanisms exclusively targeting the deployment of net-zero technologies, so that batteries deployed through such mechanisms are also subject to the Union origin, resilience and cybersecurity requirements

Amendment 3735

Letizia Moratti, Fulvio Martusciello, Massimiliano Salini, Salvatore De Meo

Proposal for a regulation

Article 34 – paragraph 1 – point 1a (new)

Regulation (EU) 2024/1735

Article 3 – paragraph 1 – point 27

Text proposed by the Commission

(27) ‘auction’ means a mechanism for competitive tendering procedures *to support* the production or consumption of energy from renewable sources that does not fall under Directive 2009/81/EC or Directive 2014/23/EU, 2014/24/EU or 2014/25/EU;

Amendment

(1a) In Article 3, point 27 is replaced by the following:

(27) ‘auction’ means a mechanism for competitive tendering procedures ***supporting either*** the production or consumption of energy from renewable sources, ***or the deployment, operation or procurement of Net-Zero technologies, including stationary battery energy storage systems, provided that it*** does not fall under Directive 2009/81/EC or Directive 2014/23/EU, 2014/24/EU or 2014/25/EU;’

Or. en

Amendment 3736

Mariateresa Vivaldini, Nicolas Bay, Giovanni Crosetto, Marion Maréchal, Daniele Polato, Carlo Fidanza, Elena Donazzan, Nicola Procaccini, Sergio Berlato, Stefano Cavedagna, Carlo Ciccio, Alessandro Ciriani, Pietro Fiocchi, Alberico Gambino, Chiara Gemma, Paolo Inselvini, Lara Magoni, Mario Mantovani, Giuseppe Milazzo, Denis Nesci, Michele Picaro, Ruggero Razza, Antonella Sberna, Marco Squarta, Francesco Torselli, Francesco Ventola

Proposal for a regulation

Article 34 – paragraph 1 – point a (new)

Regulation (EU) 2024/1735

Article 3– paragraph 1 – point

Text proposed by the Commission

(27) ‘auction’ means a mechanism for competitive tendering procedures **to support** the production or consumption of energy from renewable sources that does not fall under Directive 2009/81/EC or Directive 2014/23/EU, 2014/24/EU or 2014/25/EU;

Amendment

(1a) In Article 3, point 27 is replaced by the following:

(27) “auction” means a mechanism for competitive tendering procedures **supporting either** the production or consumption of energy from renewable sources, **or the deployment, operation or procurement of Net-Zero technologies, including stationary battery energy storage systems**, provided that it does not fall under Directive 2009/81/EC or Directive 2014/23/EU, 2014/24/EU or 2014/25/EU;

Or. en

Justification

This amendment is necessary to ensure internal consistency of the text. Under the Industrial Accelerator Act, Article 26 of the NZIA was in fact amended, including its title, which now explicitly refers to ‘Auctions for net-zero technologies’. However, the proposed amendment to the definitions in Article 3 did not correspondingly update the definition of ‘auction’ in Article 3(27), which continues to be limited to supporting the production or consumption of energy from renewable sources. This misalignment creates a regulatory gap and an interpretative inconsistency between the provisions, since the new Article 26 presupposes a broader scope of application for auctions than the definition currently in force. The amendment therefore aims to align the definition of ‘auction’ with the updated text of Article 26, ensuring the full inclusion of energy storage technologies, including battery energy storage systems, and providing legal certainty in the implementation of the provisions on auction instruments.

Amendment 3737

Paolo Borchia, Isabella Tovaglieri, Raffaele Stancanelli, Anna Brylka, Klara Dostalova, Jana Nagyová, Ondřej Knotek, Jaroslav Bžoch, Tomáš Kubín

Proposal for a regulation

Article 34 – paragraph 1 – point 1 a (new)

Regulation (EU) 2024/1735

Article 3 – paragraph 1 – point (27)

Text proposed by the Commission

(27) ‘auction’ means a mechanism for competitive tendering procedures **to support** the production or consumption of energy from renewable sources that does not fall under Directive 2009/81/EC or Directive 2014/23/EU, 2014/24/EU or 2014/25/EU;

Amendment

(1a) In Article 3, point 27 is replaced by the following:

‘(27) “auction” means a mechanism for competitive tendering procedures **supporting either** the production or consumption of energy from renewable and low-carbon sources, **or the deployment, operation or procurement of Net-Zero technologies, including stationary battery energy storage systems**, provided that it does not fall under Directive 2009/81/ or Directive 2014/23/EU, 2014/24/EU or 2014/25/EU.

Or. en

Justification

This amendment is necessary to ensure the internal consistency of the text. Under the Industrial Accelerator Act, Article 26 of the NZIA has been amended and now explicitly refers to “Auctions for net-zero technologies”. However, the proposed amendment to the definitions in Article 3 does not correspondingly update the definition of “auction” set out in Article 3(27), which remains limited to support for the production or consumption of energy from renewable sources. This misalignment creates inconsistency between the provisions, as the new Article 26 presupposes a broader scope for auctions than that covered by the definition currently in force.

Amendment 3738

Marina Mesure, Rudi Kennes

Proposal for a regulation

Article 34 – paragraph 1 – point 1 – point 1a (new)

Regulation (EU) 2024/1735

Article 3 – paragraph 1 – point 36a (new)

Text proposed by the Commission

Amendment

(1a) In Article 3 the following point (36a) is added:

(36a) ‘Union value added’ means union value added as defined in Article 3 of Regulation XXXX/XXXX (Industrial Accelerator Act).

Amendment 3739
Annalisa Corrado

Proposal for a regulation
Article 34 – paragraph 1 – point 1a (new)
Regulation 2024/1735
Article 3 – paragraph 1 – point 36 (new)

Text proposed by the Commission

Amendment

(36a) Assessment and possible extension of the scope to non-hydrionic heat pumps
The Commission shall, on an annual basis, assess the development of manufacturing capacity within the Union for heat pump technologies not covered by the definition of “hydrionic heat pump”, including air-to-air heat pumps, with a view to assessing the evolution of the Union manufacturing base, investment trends, production capacity, market shares, supply-chain dependencies and the Union added value generated by such technologies. Where the assessment demonstrates that sufficient and competitive manufacturing capacity for such technologies has been established or is being established within the Union, and that their inclusion would contribute to strengthening the Union industrial base and reducing strategic dependencies, the Commission shall be empowered to include such technologies within the scope of this Regulation by means of a delegated act. The Commission shall ensure that any such extension is based on objective and transparent criteria, including the availability of Union manufacturing capacity, the level of Union added value, supply-chain resilience, the degree of dependence on third-country suppliers and the contribution of the technology to the Union's decarbonisation objectives.

Justification

The inclusion of hydronic heat pumps reflects an established EU manufacturing base, while non-hydronic technologies still rely significantly on third-country production. Extending IAA benefits prematurely could therefore favour non-EU suppliers. An annual Commission assessment should allow their inclusion through delegated acts once sufficient EU production capacity, investment, value creation and supply-chain resilience are demonstrated.

Amendment 3740

Julie Rechagneux, Aleksandar Nikolic, Mathilde Androuët, Virginie Joron, Christophe Bay, Thierry Mariani, Mélanie Disdier

Proposal for a regulation

Article 34 – paragraph 1 – point 1 a (new)

Regulation (EU) 2024/1735

Article 3 – paragraph 1 – point 36 a (new)

Text proposed by the Commission

Amendment

(1a) In Article 2, the following point is inserted:

(36a) ‘dispatchable low-carbon technologies’: technologies for the production, storage, conversion or use of energy that reduce greenhouse gas emissions while providing a predictable, stable and dispatchable supply of the energy required to power industrial activities, in particular nuclear, hydroelectric and geothermal technologies, along with technologies for energy storage, waste heat recovery, and carbon capture, utilisation and storage.

Or. fr

Amendment 3741

Letizia Moratti, Fulvio Martusciello, Massimiliano Salini, Salvatore De Meo

Proposal for a regulation

Article 34 – paragraph 1 – point 1a (new)

Regulation (EU) 2024/1735

Article 3 – paragraph 1 – point 36a (new)

Text proposed by the Commission

Amendment

(1a) In Article 3 the following point (36a) is added:

(36a) ‘heat pump technology’ means a device or system that transfers heat from ambient air, ground, water, industrial waste heat or other renewable or low-carbon fuels to provide heating, cooling, hot water or process heat, including hydronic heat pumps, air-air heat pumps, industrial heat pumps and high-temperature heat pumps.’

Or. en

Amendment 3742

Virgil-Daniel Popescu, Siegfried Mureşan, Daniel Buda, Dan-Ştefan Motreanu, Ioan-Rareş Bogdan, Mircea-Gheorghe Hava, Gheorghe Falcă, Iuliu Winkler, Loránt Vincze

Proposal for a regulation

Article 34 – paragraph 1 – point 1a (new)

Regulation (EU) 2024/1735

Article 3 – paragraph 1 – point 36a (new)

Text proposed by the Commission

Amendment

(1a) In Article 3 the following point (36a) is added:

(36a) “power electronic equipment” means equipment capable of converting, controlling, regulating, switching or interrupting electrical energy or power flows, including inverters, rectifiers, converters, bidirectional converters and power conversion systems, together with their integrated control functions;’

Or. en

Justification

Power electronic equipment can directly control or modify physical electricity flows and should therefore be distinguished from ICT equipment. The systemic relevance of such equipment may arise from the capacity of an individual device or from the coordinated or

aggregated operation of large numbers of connected devices. The definitions therefore establish a technology-neutral and functional basis for the security requirements introduced by this Regulation.

Amendment 3743

Pierre Jouvét, Kathleen Van Brempt, Jens Geier, François Kalfon, René Repasi, Jean-Marc Germain, Matthias Ecke, Ștefan Mușoiu, Marc Angel, Elena Sancho Murillo, Bruno Tobback, Elisabeth Grossmann, Laura Ballarín Cereza, Raphaël Glucksmann, Niels Fuglsang

Proposal for a regulation

Article 34 – paragraph 1 – point 1a (new)

Regulation (EU) 2024/1735

Article 3 – paragraph 1 – point 36a (new)

Text proposed by the Commission

Amendment

(1a) In Article 3 the following point (36a) is added:

(36a) ‘Union value added rule’ means manufacture in the Union where the increase in value acquired as a result of working and processing carried out in the Union, and if applicable, the incorporation of parts originating in the Union represents at least 45% of the ex-works price of the product or component.

Or. en

Amendment 3744

Virgil-Daniel Popescu, Siegfried Mureșan, Daniel Buda, Dan-Ștefan Motreanu, Ioan-Rareș Bogdan, Mircea-Gheorghe Hava, Gheorghe Falcă, Iuliu Winkler, Loránt Vincze

Proposal for a regulation

Article 34 – paragraph 1 – point 1a (new)

Regulation (EU) 2024/1735

Article 3 – paragraph 1 – point 36a (new)

Text proposed by the Commission

Amendment

(1a) In Article 3 the following point (36a) is added:

(36b) “critical energy control

equipment” means power electronic equipment, battery management systems, energy management systems, plant controllers, protection and control equipment, and other equipment capable, individually or through coordinated or aggregated operation, of materially affecting the security, stability or continuity of an energy system through the control, conversion, regulation, switching or interruption of energy or power flows.’

Or. en

Justification

Power electronic equipment can directly control or modify physical electricity flows and should therefore be distinguished from ICT equipment. The systemic relevance of such equipment may arise from the capacity of an individual device or from the coordinated or aggregated operation of large numbers of connected devices. The definitions therefore establish a technology-neutral and functional basis for the security requirements introduced by this Regulation.

Amendment 3745

Pierre Jouvét, Kathleen Van Brempt, Jens Geier, François Kalfon, René Repasi, Jean-Marc Germain, Matthias Ecke, Ștefan Mușoiu, Marc Angel, Elena Sancho Murillo, Bruno Tobback, Elisabeth Grossmann, Laura Ballarín Cereza, Raphaël Glucksmann, Niels Fuglsang

Proposal for a regulation

Article 34 – paragraph 1 – point 1a (new)

Regulation (EU) 2024/1735

Article 3 – paragraph 1 – point

Text proposed by the Commission

Amendment

(1a) The following point is added:

(36b) ‘Value acquired as a result of working and processing and incorporation of parts originating in the Union’ means the increase in value resulting from the assembly itself, together with any preparatory, finishing and checking operations, and from the incorporation of any parts originating in the Union, including profit and the

general costs borne in the Union as a result of the operations.

Or. en

Amendment 3746

Pierre Jouvét, Kathleen Van Brempt, Jens Geier, François Kalfon, René Repasi, Jean-Marc Germain, Matthias Ecke, Ștefan Mușoiu, Marc Angel, Elena Sancho Murillo, Bruno Tobback, Elisabeth Grossmann, Laura Ballarín Cereza, Raphaël Glucksmann, Niels Fuglsang

Proposal for a regulation

Article 34 – paragraph 1 – point 1a (new)

Regulation (EU) 2024/1735

Article 3 – paragraph 1 – point

Text proposed by the Commission

Amendment

(1a) The following point is added:

(36c) ‘Ex-works price’ means the price paid or to be paid for the product ready for collection at the manufacturer’s premises in whose undertaking the last working or processing is carried out; this price must reflect all costs related to the manufacturing of the product (including the cost of all the materials used), minus any internal taxes which are, or may be, repaid when the product obtained is exported or re-exported. Where the actual price paid does not reflect all costs related to the manufacturing of the product which are actually incurred, the ex-works price means the sum of all those costs, minus any internal taxes which are, or may be, repaid when the product obtained is exported or re-exported;

Or. en

Amendment 3747

Mariateresa Vivaldini, Nicolas Bay, Giovanni Crosetto, Daniele Polato, Carlo Fidanza, Elena Donazzan, Nicola Procaccini, Sergio Berlato, Stefano Cavedagna, Carlo Ciccio, Alessandro Ciriani, Pietro Fiocchi, Alberico Gambino, Chiara Gemma, Paolo Inselvini,

Lara Magoni, Mario Mantovani, Marion Maréchal, Giuseppe Milazzo, Denis Nesci, Michele Picaro, Ruggero Razza, Antonella Sberna, Marco Squarta, Francesco Torselli, Francesco Ventola, Jessika van Leeuwen

Proposal for a regulation

Article 34 – paragraph 1 – point a (new)

Regulation (EU) 2024/1735

Article 3– paragraph 1 – point

Text proposed by the Commission

Amendment

(1a) The following point is added:

(36b) ‘heat pump technology’ means a device or system that transfers heat from ambient air, ground, water, industrial waste heat or other renewable or low-carbon fuels to provide heating, cooling, hot water or process heat, including hydronic heat pumps, air-air heat pumps, industrial heat pumps and high-temperature heat pumps.’

Or. en

Justification

The current inclusion of hydronic heat pumps reflects the existence of an established manufacturing ecosystem in the Union. The situation is different across heat pump technologies. In The current reference limited to hydronic heat pumps risks excluding other heat pump technologies that are already commercially available and play a significant role in achieving the European Union’s decarbonisation, energy security and industrial competitiveness objectives. A technology-specific approach may not adequately reflect the diversity of applications and market developments within the heating, cooling, domestic hot water and industrial sectors. In particular, air-air heat pumps, domestic hot water heat pumps, industrial heat pumps and high-temperature heat pumps are increasingly contributing to the electrification of energy demand and the reduction of greenhouse gas emissions across residential, commercial and industrial applications. The proposed amendment therefore introduces a more technology-neutral approach, consistent with the objectives of the Net-Zero Industry Act and the Industrial Accelerator Act, by recognising the contribution of the entire heat pump value chain to Europe’s clean indusparticular, for non-hydronic applications such as air-to-air heat pumps, the Union’s manufacturing and value-chain position is less consolidated, with a significant share of the relevant products and key components supplied by third-country manufacturers.

Amendment 3748

Martine Kemp

Proposal for a regulation

Article 34 – paragraph 1 – point 1 a (new)

Regulation (EU) 2024/1735

Article 4 – paragraph 1 – point (r)

Text proposed by the Commission

(r) wind propulsion and electric propulsion technologies for transport;

Amendment

(1a) In Article 4(1), point (r) is replaced by the following:

'(r) wind propulsion and electric propulsion technologies for transport, including technologies and components for electrically assisted bicycles' ;

Or. en

Amendment 3749

Martine Kemp

Proposal for a regulation

Article 34 – paragraph 1 – point 1 a (new)

Regulation (EU) 2024/1735

Article 4 – paragraph 1 – point (ta) (new)

Text proposed by the Commission

Amendment

(1a) In Article 4(1), the following point is added:

'(ta) technologies and equipment supporting the sustainable and efficient management of water resources in industrial activities and critical infrastructure'.

Or. en

Amendment 3750

Davor Ivo Stier

Proposal for a regulation

Article 34 – paragraph 1 – point 1 a (new)

Regulation (EU) 2024/1735

Article 4 – paragraph 1 – point (d)

Present text

Amendment

d) Heat pumps and geothermal energy technologies;

(1a) In Article 4(1), point (d) is replaced by the following:

d) Geothermal energy technologies;

”

Or. en

Amendment 3751

Julie Rechagneux, Aleksandar Nikolic, Mathilde Androuët, Virginie Joron, Christophe Bay, Thierry Mariani, Mélanie Disdier

Proposal for a regulation

Article 34 – paragraph 1 – point 2

Regulation (EU) 2024/1735

Article 9 – paragraph 14

Text proposed by the Commission

Amendment

14. All net-zero technology manufacturing projects shall be considered strategic projects contributing to resilience and decarbonisation or resource efficiency for the purpose of Article 14(1) of [Proposal for a Regulation on speeding-up environmental assessment].’;

14. All net-zero technology manufacturing projects ***listed in Article 4(1), points (b), (d), (e), (g), (h), (i), (j), (k), (n), (o), (p) and (s), of Regulation (EU) 2024/1735, nuclear fuel cycle technologies referred to in Article 4(1), point (i), of Regulation (EU) 2024/1735, and electric propulsion technologies for transport referred to in Article 4(1), point (r), shall automatically*** be considered strategic projects contributing to resilience and decarbonisation or resource efficiency for the purpose of Article 14(1) of [Proposal for a Regulation on speeding-up environmental assessment].’; ***This recognition shall not automatically apply to a project where the majority of the industrial added value, critical components or essential technologies originate from third countries.***

Or. fr

Amendment 3752

Virgil-Daniel Popescu, Siegfried Mureşan, Daniel Buda, Dan-Ştefan Motreanu, Ioan-Rareş Bogdan, Mircea-Gheorghe Hava, Gheorghe Falcă, Iuliu Winkler, Loránt Vincze

Proposal for a regulation

Article 34 – paragraph 1 – point 2a (new)

Regulation (EU) 2024/1735

Article 23 – paragraph 1 – point (d)

Text proposed by the Commission

1. Each entity holding an authorisation as defined in Article 1, point 3, of Directive 94/22/EC shall be subject to an individual contribution to the Union-wide target for available CO₂ injection capacity set in Article 20 of this Regulation. Those individual contributions shall be calculated pro-rata on the basis of each entity's share in the Union's crude oil and natural gas production from 1 January 2020 to 31 December 2023 and shall consist of CO₂ injection capacity in a storage site permitted in accordance with Directive 2009/31/EC and available to the market by **2030**. Entities with crude oil and natural gas production below the threshold set in accordance with a delegated act pursuant to paragraph 12 of this Article, shall be excluded from this calculation and shall not be subject to a contribution.

Amendment

(2a) In Article 23, paragraph 1 is replaced by the following:

1. Each entity holding an authorisation as defined in Article 1, point 3, of Directive 94/22/EC shall be subject to an individual contribution to the Union-wide target for available CO₂ injection capacity set in Article 20 of this Regulation. Those individual contributions shall be calculated pro-rata on the basis of each entity's share in the Union's crude oil and natural gas production from 1 January 2020 to 31 December 2023 ***weighted by the share of the cumulative greenhouse gas emissions of the manufacturing sector of the Member State on the territory of which that production was carried out for the same period*** and shall consist of CO₂ injection capacity in a storage site permitted in accordance with Directive 2009/31/EC and available to the market ***by 2035***. Entities with crude oil and natural gas production below the threshold set in accordance with a delegated act pursuant to paragraph 12 of this Article, shall be excluded from this calculation and shall not be subject to a contribution.

Or. en

Amendment 3753

Angelika Winzig

Proposal for a regulation

Article 34 – paragraph 1 – point 2 a (new) Regulation (EU) 2024/1735

Article 20 – paragraph 1

Text proposed by the Commission

Amendment

1. An annual injection capacity of at least 50 million tonnes of CO₂ shall be achieved by **2030** in storage sites, meaning geological storage sites permitted under Directive 2009/31/EC including depleted oil and gas fields and saline aquifers, located in the territory of the Union, its exclusive economic zones or on its continental shelf within the meaning of the United Nations Convention on the Law of the Sea and which are not combined with Enhanced Hydrocarbon Recovery.

(2a) In Article 20 paragraph 1 is replaced by the following:

1. An annual injection capacity of at least 50 million tonnes of CO₂ shall be achieved by **2033** in storage sites, meaning geological storage sites permitted under Directive 2009/31/EC including depleted oil and gas fields and saline aquifers, located in the territory of the Union, its exclusive economic zones or on its continental shelf within the meaning of the United Nations Convention on the Law of the Sea and which are not combined with Enhanced Hydrocarbon Recovery.

Or. en

Justification

Given the lengthy permitting procedures, the time required to develop CO₂ storage sites and transport infrastructure, and the still-evolving regulatory framework, achieving an annual CO₂ injection capacity of 50 million tonnes by 2030 is unlikely to be feasible. Extending the deadline to 2033 would provide a more realistic timeframe for developing the necessary storage and transport infrastructure while ensuring alignment with the relevant regulatory framework.

Amendment 3754

Sophia Kircher

Proposal for a regulation

Article 34 – paragraph 1 – point 2 a (new)

Regulation (EU) 2024/1735

Article 20 – paragraph 1

Present text

Amendment

1. An annual injection capacity of at least 50 million tonnes of CO₂ shall be

(2a) In Article 20 paragraph 1 is replaced by the following:

"1. An annual injection capacity of at least 50 million tonnes of CO₂ shall be

achieved by **2030** in storage sites, meaning geological storage sites permitted under Directive 2009/31/EC including depleted oil and gas fields and saline aquifers, located in the territory of the Union, its exclusive economic zones or on its continental shelf within the meaning of the United Nations Convention on the Law of the Sea and which are not combined with Enhanced Hydrocarbon Recovery.

achieved by **2033** in storage sites, meaning geological storage sites permitted under Directive 2009/31/EC including depleted oil and gas fields and saline aquifers, located in the territory of the Union, its exclusive economic zones or on its continental shelf within the meaning of the United Nations Convention on the Law of the Sea and which are not combined with Enhanced Hydrocarbon Recovery.

"

Or. en

Justification

The 2030 target of 50 million tonnes per year of CO₂ injection capacity appears technically and temporally challenging. Developing CO₂ storage sites can take up to seven years, while the necessary transport infrastructure and regulatory framework are still being developed. Extending the target to 2033 would provide a more realistic timeframe for permitting, infrastructure development and regulatory alignment.

Amendment 3755

Angelika Winzig

Proposal for a regulation

Article 34 – paragraph 1 – point 2 b (new) Regulation (EU) 2024/1735

Article 20 – paragraph 1a (new)

Text proposed by the Commission

Amendment

(2b) In Article 20 the following paragraph 1a is added:

Storage sites located on the Norwegian Continental Shelf shall be eligible to contribute to the Union-level objective for CO₂ injection capacity of at least 50 million tonnes per year, provided that the injection capacity of those sites is made available to CO₂ emitters established in the Union on transparent, fair and non-discriminatory commercial terms.

Or. en

Justification

CO₂ storage capacity developed in Norway and made available to EU emitters should be taken into account towards the Union's injection capacity objective, particularly where such projects have benefited from Union funding. This would facilitate compliance with the NZIA objectives for operators in Member States where the development of domestic CO₂ storage capacity is constrained by legal, technical or public acceptance considerations.

Amendment 3756

Virgil-Daniel Popescu, Siegfried Mureşan, Daniel Buda, Dan-Ştefan Motreanu, Ioan-Rareş Bogdan, Mircea-Gheorghe Hava, Gheorghe Falcă, Iuliu Winkler, Loránt Vincze

Proposal for a regulation

Article 34 – paragraph 1 – point 2 b (new) Regulation (EU) 2024/1735

Article 23 – paragraph 3

Text proposed by the Commission

3. Following the receipt of the reports submitted pursuant to Article 21(2), the Commission, after consulting Member States and interested parties, shall specify the contributions to the Union CO₂ injection capacity objective by **2030** from entities referred to in paragraph 1 of this Article.

Amendment

(2b) In Article 23 paragraph 3 is replaced by the following:

3. Following the receipt of the reports submitted pursuant to Article 21(2), the Commission, after consulting Member States and interested parties, shall specify the contributions to the Union CO₂ injection capacity objective by **2035** from entities referred to in paragraph 1 of this Article.

Or. en

Amendment 3757

Sophia Kircher

Proposal for a regulation

Article 34 – paragraph 1 – point 2 b (new)

Regulation (EU) 2024/1735

Article 20 – paragraph 1a new

Text proposed by the Commission

Amendment

(2b) In Article 20 the following paragraph 1a is added:

(1a) Storage sites located on the Norwegian Continental Shelf shall be eligible to contribute to the Union's net-zero industry objective of 50 million tonnes of annual CO₂ injection capacity, provided that the respective injection capacity is made available to CO₂ emitters in the Union on non-discriminatory commercial terms.

Or. en

Justification

Norwegian CO₂ storage projects are designed to accommodate emissions from EU emitters and have, in some cases, received EU support. CO₂ storage capacity developed outside the EU but intended for EU emissions should therefore be appropriately considered when assessing progress towards the target. This is particularly relevant for Member States where domestic CO₂ storage faces legal, technical or public acceptance constraints. Including Norway in the eligible geographical scope would help ensure that the NZIA targets can be met in practice.

Amendment 3758

Virgil-Daniel Popescu, Siegfried Mureşan, Daniel Buda, Dan-Ştefan Motreanu, Ioan-Rareş Bogdan, Mircea-Gheorghe Hava, Gheorghe Falcă, Iuliu Winkler, Loránt Vincze

Proposal for a regulation

Article 34 – paragraph 1 – point 2 c (new) Regulation (EU) 2024/1735

Article 23 – paragraph 4

Text proposed by the Commission

4. By 30 June 2025, the entities referred to in paragraph 1 shall submit to the Commission a plan specifying in detail how they intend to meet their contribution to Union CO₂ injection capacity objective by **2030**. Those plans shall:

Amendment

(2c) In Article 23, paragraph 4 is replaced by the following:

4. By 30 June 2025, the entities referred to in paragraph 1 shall submit to the Commission a plan specifying in detail how they intend to meet their contribution to Union CO₂ injection capacity objective by **2035**. Those plans shall:

Or. en

Amendment 3759

Virgil-Daniel Popescu, Siegfried Mureşan, Daniel Buda, Dan-Ştefan Motreanu, Ioan-Rareş Bogdan, Mircea-Gheorghe Hava, Gheorghe Falcă, Iuliu Winkler, Loránt Vincze

Proposal for a regulation

Article 34 – paragraph 1 – point 2 d (new) Regulation (EU) 2024/1735

Article 23 – paragraph 4 – point a

Text proposed by the Commission

Amendment

(a) confirm the entity's contribution, expressed in terms of targeted volume of new CO₂ storage and injection capacity commissioned by **2030**;

(2d) Article 23, paragraph 4 point (a) is replaced by the following:

(a) confirm the entity's contribution, expressed in terms of targeted volume of new CO₂ storage and injection capacity commissioned by **2035**;

Or. en

Amendment 3760

Virgil-Daniel Popescu, Siegfried Mureşan, Daniel Buda, Dan-Ştefan Motreanu, Ioan-Rareş Bogdan, Mircea-Gheorghe Hava, Gheorghe Falcă, Iuliu Winkler, Loránt Vincze

Proposal for a regulation

Article 34 – paragraph 1 – point 2 e (new) Regulation (EU) 2024/1735

Article 23 – paragraph 7 – point b

Text proposed by the Commission

Amendment

(b) the application is submitted before the end of **2027**.

(2e) Article 23 paragraph 7 point (b) is replaced by the following:

(b) the application is submitted before the end of **2032**.

Or. en

Amendment 3761

Virgil-Daniel Popescu, Siegfried Mureşan, Daniel Buda, Dan-Ştefan Motreanu, Ioan-Rareş Bogdan, Mircea-Gheorghe Hava, Gheorghe Falcă, Iuliu Winkler, Loránt Vincze

Proposal for a regulation

Article 34 – paragraph 1 – point 2 f (new) Regulation (EU) 2024/1735

Article 23 – paragraph 11

11. By 31 December 2028, the Commission shall, on the basis of the reports referred to in Article 42(1), point (d), and Article 42(7), assess the relationship between the demand for injection capacity from CO₂ capture projects and the main infrastructure needed for the transport of CO₂ in progress or planned to be operational by 2030 and the sum of the individual contributions of the entities referred to in paragraph 1 of this Article in relation to the production activities on the territory of a given Member State. In the case of a substantial imbalance, the Member State concerned ***may exceptionally ask the Commission for a derogation regarding the date by which the individual contributions are to be fulfilled.***

(2f) In Article 23 paragraph 11 is replaced by the following:

11. By 31 December 2028 ***and every two years thereafter until 31 December 2034,*** the Commission shall, on the basis of the reports referred to in Article 42(1), point (c), and Article 42(8), assess the relationship between the demand for injection capacity from CO₂ capture projects and the main infrastructure needed for the transport of CO₂ in progress or planned to be operational by ***2035*** and the sum of the individual contributions of the entities referred to in paragraph 1 of this Article in relation to the production activities on the territory of a given Member State. In the case of a substantial imbalance, the Member State concerned ***shall, upon the reasoned request of an entity referred to in paragraph 1, grant that entity a derogation regarding the date by which the individual contributions are to be fulfilled. The Member State concerned shall assess the existence of a substantial imbalance on its territory at any time upon the reasoned request of an entity referred to in paragraph 1, and shall decide on that request within three months of its receipt. It shall notify any derogation granted, together with the reasons for it, to the Commission. A derogation granted pursuant to this paragraph shall remain in force for as long as the substantial imbalance on the basis of which it was granted continues to exist. The part of the individual contribution covered by the derogation shall not be reallocated to other entities referred to in paragraph 1.***

Or. en

Amendment 3762

Virgil-Daniel Popescu, Siegfried Mureşan, Daniel Buda, Dan-Ştefan Motreanu, Ioan-Rareş Bogdan, Mircea-Gheorghe Hava, Gheorghe Falcă, Iuliu Winkler, Loránt Vincze

Proposal for a regulation

Article 34 – paragraph 1 – point 2 g (new) Regulation (EU) 2024/1735

Article 23 – paragraph 12 – point (a)

Text proposed by the Commission

Amendment

(a) the rules concerning the identification of entities subject to a contribution pursuant to paragraph 1, including the threshold below which entities are exempt from contribution;

(2g) In article 23 paragraph 12 point (a) is replaced by the following:

(a) the rules concerning the identification of entities subject to a contribution pursuant to paragraph 1, including the threshold below which entities are exempt from contribution, **and the methodology for applying the weighting referred to in paragraph 1, including the data sources to be used;**

Or. en

Amendment 3763

Virgil-Daniel Popescu, Siegfried Mureşan, Daniel Buda, Dan-Ştefan Motreanu, Ioan-Rareş Bogdan, Mircea-Gheorghe Hava, Gheorghe Falcă, Iuliu Winkler, Loránt Vincze

Proposal for a regulation

Article 34 – paragraph 1 – point 2 h (new) Regulation (EU) 2024/1735

Article 23 – paragraph 12 – point (d)

Text proposed by the Commission

Amendment

(d) the detailed conditions under which the Commission may grant an exemption to entities under paragraph 7 or 8 **or 11**

(2h) In Article 23 paragraph 12 point (d) is replaced by the following:

(d) the detailed conditions under which the Commission may grant an exemption to entities under paragraph 7 or 8.

Or. en

Amendment 3764

Andrea Wechsler, Christian Ehler, Angelika Niebler, Jens Gieseke, Andreas Schwab,

Norbert Herhammer, Hildegard Bentele, Markus Ferber, Eszter Lakos, Oliver Schenk, Christian Doleschal, Monika Hohlmeier, Verena Mertens, Ralf Seekatz, Marie-Sophie Christ, Alexandra Mehnert, Norbert Lins, Marion Walsmann

Proposal for a regulation

Article 34 – paragraph 1 – point 3 – point a

Regulation (EU) 2024/1735

Article 25 – paragraph 1

Text proposed by the Commission

1. For public procurement procedures falling within the scope of Directive 2014/23/EU, 2014/24/EU or 2014/25/EU, where contracts have net-zero technologies listed in Article 4(1), points (a) to (d), (h) and (i), of this Regulation as part of their subject matter, or in the case of works contracts and works concessions including said technology, contracting authorities and contracting entities shall apply minimum mandatory requirements regarding environmental sustainability established in the implementing act referred to in paragraph 5 of this Article.;

Amendment

1. For public procurement procedures falling within the scope of Directive 2014/23/EU, 2014/24/EU or 2014/25/EU, where contracts have net-zero technologies listed in Article 4(1), points (a) to (d), (h) and (i), of this Regulation as part of their subject matter, or in the case of works contracts and works concessions including said technology, contracting authorities and contracting entities shall apply minimum mandatory requirements regarding environmental sustainability established in the implementing act referred to in paragraph 5 of this Article.

This Article shall not apply to contracts awarded for the purpose of electricity generation where the project does not receive public support, is not awarded in an auction referred to in Article 26 and is not subject to another public intervention.;

Or. en

Justification

Projects that receive no public support and are not subject to public intervention should not be covered by public-procurement-style requirements. This preserves the distinction between public intervention and private investment, avoiding unnecessary constraints on market-driven projects.

Amendment 3765

Julie Rechagneux, Aleksandar Nikolic, Mathilde Androuët, Virginie Joron, Christophe Bay, Thierry Mariani, Mélanie Disdier

Proposal for a regulation

Article 34 – paragraph 1 – point 3 – point a

Regulation (EU) 2024/1735

Article 25 – paragraph 1

Text proposed by the Commission

1. For public procurement procedures falling within the scope of Directive 2014/23/EU, 2014/24/EU or 2014/25/EU, where contracts have net-zero technologies listed in Article 4(1), points **(a) to (d), (h) and (i)**, of **this** Regulation as part of their subject matter, or in the case of works contracts and works concessions including said technology, contracting authorities and contracting entities shall apply minimum mandatory requirements regarding environmental sustainability established in the implementing act referred to in paragraph 5 of this Article.’;

Amendment

1. For public procurement procedures falling within the scope of Directive 2014/23/EU, 2014/24/EU or 2014/25/EU, where contracts have net-zero technologies listed in Article 4(1), points **(b), (d), (e), (g), (h), (i), (j), (k), (n), (o), (p) and (s)**, of **Regulation (EU) 2024/1735, nuclear fuel cycle technologies referred to in Article 4(1), point (i), of Regulation (EU) 2024/1735, and electric propulsion technologies for transport referred to in Article 4(1), point (r) of the** Regulation as part of their subject matter, or in the case of works contracts and works concessions including said technology, contracting authorities and contracting entities shall apply minimum mandatory requirements regarding environmental sustainability established in the implementing act referred to in paragraph 5 of this Article;

Or. fr

Amendment 3766

Pierre Juvet, Kathleen Van Brempt, Jens Geier, François Kalfon, René Repasi, Jean-Marc Germain, Matthias Ecke, Ștefan Mușoiu, Marc Angel, Elena Sancho Murillo, Bruno Tobback, Elisabeth Grossmann, Christophe Clergeau, Laura Ballarín Cereza, Raphaël Glucksmann, Niels Fuglsang

Proposal for a regulation

Article 34 – paragraph 1 – point 3 – point a

Regulation (EU) 2024/1735

Article 25– paragraph 1

Text proposed by the Commission

1. For public procurement procedures falling within the scope of Directive 2014/23/EU, 2014/24/EU or 2014/25/EU, where contracts have net-zero technologies

Amendment

1. For public procurement procedures falling within the scope of Directive 2014/23/EU, 2014/24/EU or 2014/25/EU, where contracts have net-zero technologies

listed in Article 4(1), points (a) to **(d)**, (h) **and (i)**, of this Regulation as part of their subject matter, or in the case of works contracts and works concessions including said technology, contracting authorities and contracting entities shall apply minimum mandatory requirements regarding environmental sustainability established in the implementing act referred to in paragraph 5 of this Article.;

listed in Article 4(1), points (a) to **(e)**, (h), **(i) and (k)**, of this Regulation as part of their subject matter, or in the case of works contracts and works concessions including said technology, contracting authorities and contracting entities shall apply minimum mandatory requirements regarding environmental sustainability established in the implementing act referred to in paragraph 5 of this Article.;

Or. en

Amendment 3767
Oihane Agirregoitia Martínez

Proposal for a regulation
Article 34 – paragraph 1 – point 3 – point a a (new)
Regulation (EU) 2024/1735
Article 25 paragraph 3a new

Text proposed by the Commission

Amendment

(aa) In Article 25 the following paragraph 3 a is added:

‘3 a. For public procurement procedures that include control systems, management control systems, supervisory control and data acquisition systems, remote access systems or firewalls, suppliers identified as high-risk suppliers in accordance with Regulation xxxx/xxxx [CSA2] shall not be involved in the following processes:

(1) the supply of those products or systems;

(2) the design, development or production of those products or systems;

(3) the management, control or operation of those products or systems;

(4) the development, maintenance, operation or updating of their software;

Or. en

Amendment 3768
Niels Flemming Hansen

Proposal for a regulation
Article 34 – paragraph 1 – point 3 – point b
2024/1735
Article 25 – paragraph 7

Text proposed by the Commission

The tender's resilience contribution shall be taken into account in the case of public procurement procedures, work contracts and works concessions referred to in paragraph 1, in accordance with this paragraph.

Amendment

The tender's resilience contribution shall be taken into account in the case of public procurement procedures, work contracts and works concessions referred to in paragraph 1, in accordance with this paragraph. ***The provisions of this Article shall not apply to contracting entities who have participated as bidders in an auction for the technologies listed in Article 4(1), points (a) to (j) that are renewable energy technologies.***

Or. en

Amendment 3769
Klara Dostalova, Jaroslava Pokorná Jermanová, Tomáš Kubín, Jaroslav Bžoch, Ondřej Knotek, Jana Nagyová, Jaroslav Knot, Anna Brylka, Enikő Győri, András Gyürk, Ernő Schaller-Baross, András László

Proposal for a regulation
Article 34 – paragraph 1 – point 3 – point ba (new)
Regulation (EU) 2024/1735
Article 25 – paragraph 7a (new)

Text proposed by the Commission

Amendment

(ba) In Article 25 the following paragraph 7a is added:

A self-declaration, or an equivalent document shall be considered sufficient evidence demonstrating compliance with the requirements set out in this Article.

Or. en

Justification

There is no apparent reason not to apply the self declaration approach also to the “contribution to resilience” under Article 25(7) NZIA.

Amendment 3770

Ondřej Krutílek

Proposal for a regulation

Article 34 – paragraph 1 – point 3 – point ba (new)

Regulation (EU) 2024/1735

Article 25 – paragraph 7a

Text proposed by the Commission

Amendment

(ba) In Article 25 the following paragraph 7a is added:

A self-declaration, or an equivalent document shall be considered sufficient evidence demonstrating compliance with the requirements set out in this Article.

Or. en

Amendment 3771

Julie Rechagneux, Aleksandar Nikolic, Mathilde Androuët, Virginie Joron, Christophe Bay, Thierry Mariani, Mélanie Disdier

Proposal for a regulation

Article 34 – paragraph 1 – point 3 – point c

Regulation (EU) 2024/1735

Article 25 – paragraph 7 – point a

Text proposed by the Commission

Amendment

(a) an obligation for the duration of the contract not to supply more than 50 % of the value of the specific net-zero technology final product referred to in this paragraph from each individual third country as determined by the Commission;

(a) an obligation for the duration of the contract not to supply more than 50 % of the value of the specific net-zero technology final product ***listed in Article 4(1), points (b), (d), (e), (g), (h), (i), (j), (k), (n), (o), (p) and (s), of Regulation (EU) 2024/1735, nuclear fuel cycle technologies referred to in Article 4(1), point (i), of Regulation (EU) 2024/1735, and electric propulsion technologies for***

transport referred to in Article 4(1), point (r) referred to in this paragraph from each individual third country as determined by the Commission;

Or. fr

Amendment 3772

Julie Rechagneux, Aleksandar Nikolic, Mathilde Androuët, Virginie Joron, Christophe Bay, Thierry Mariani, Mélanie Disdier

Proposal for a regulation

Article 34 – paragraph 1 – point 3 – point d

Regulation (EU) 2024/1735

Article 25 – paragraph 7 – point b

Text proposed by the Commission

(b) an obligation for the duration of the contract that no more than 50 % of the value of all the main specific components of the specific net-zero technology referred to in this paragraph taken together is supplied or provided directly by the successful tenderer or by a subcontractor from each individual third country as determined by the Commission;;

Amendment

(b) an obligation for the duration of the contract that no more than 50 % of the value of all the main specific components of the specific net-zero technology, ***dispatchable low-carbon technologies, nuclear fuel cycle technologies, carbon capture and storage technologies, energy storage technologies, or technologies required for industrial electrification*** referred to in this paragraph taken together is supplied or provided directly by the successful tenderer or by a subcontractor from each individual third country as determined by the Commission;

Or. fr

Amendment 3773

Sigrid Friis, Bart Groothuis, Christophe Grudler

Proposal for a regulation

Article 34 – paragraph 1 – point 3 – point d a (new)Regulation (EU) 2024/1735

Article 25 – paragraph 12a (new)

Text proposed by the Commission

Amendment

(da) *In Article 25 the following paragraph 12a is added:*

12a. *The provisions of this Article shall not apply to contracting entities who have participated as bidders in an auction, for the purpose of carrying out the project awarded to them in the context of such auction.*

Or. en

Amendment 3774

Svenja Hahn, Andreas Glück, Jan-Christoph Oetjen, Marie-Agnes Strack-Zimmermann, Moritz Körner

Proposal for a regulation

Article 34 – paragraph 1 – point 3 – point d a (new)

Regulation (EU) 2024/1735

Article 25 – Paragraph 10

Present text

Estimated cost differences above **20** %, based on objective and transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate.

Amendment

(da) *In Article 34 paragraph 10 is replaced by the following:*

"Estimated cost differences above **10** %, based on objective and transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate.

"

Or. en

Amendment 3775

David Cormand, Anna Cavazzini, Sara Matthieu
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 34 – paragraph 1 – point 4

Regulation 2024/1735

Article 25a – paragraph – 4a (new)

Text proposed by the Commission

Amendment

In Article 25a the following paragraph 4a is added:

The provisions of this Article shall not apply to contracting entities who have participated as bidders in an auction, for the purpose of carrying out the project awarded to them in the context of such auction.

This Article shall not apply to procedures intended to pursue an activity under Article 8 and 9 which is exempted in accordance with Article 34 of Directive 2014/25/EU.

Requirements under this Regulation shall not lead to further distortion of competition among market players, regardless of their ownership structure.

Or. en

Amendment 3776

Niels Flemming Hansen

Proposal for a regulation

Article 34 – paragraph 1 – point 4a new

2024/1735

Article 25a paragraph 4a (new)

Text proposed by the Commission

Amendment

(4a) In Article 25a the following paragraph 4a is added:

The provisions of this Article shall not apply to contracting entities who have participated as bidders in an auction for the technologies listed in Article 4(1), points (a) to (j) that are renewable energy technologies

Or. en

Amendment 3777

Sigrid Friis, Bart Groothuis, Christophe Grudler

Proposal for a regulation

Article 34 – paragraph 1 – point 4a (new)

Regulation (EU) 2024/1735

Article 25a – paragraph –1 (new)

Text proposed by the Commission

Amendment

(4a) In Article 25a the following paragraph -1 is added:

-1 The provisions of this Article shall not apply to contracting entities who have participated as bidders in an auction, for the purpose of carrying out the project awarded to them in the context of such auction.

Or. en

Amendment 3778

Sofie Eriksson, Adnan Dibrani

Proposal for a regulation

Article 34 – paragraph 1 – point 4

Regulation 2024/1735

Article 25a – paragraph 1

Text proposed by the Commission

Amendment

1. For public procurement procedures referred to in Annex II, contracting authorities and contracting entities shall exclude from access to such procurement procedures tenders submitted by economic operators owned or controlled by an entity established in third countries which have not concluded an international agreement with the Union guaranteeing such access.

deleted

Or. en

Amendment 3779

Ondřej Krutílek

Proposal for a regulation

Article 34 – paragraph 1 – point 4

Regulation (EU) 2024/1735

Article 25a – paragraph 1

Text proposed by the Commission

1. For public procurement procedures referred to in Annex II, contracting authorities and contracting entities shall exclude from access to ***such*** procurement procedures tenders submitted by economic operators ***owned or controlled by an entity established*** in third countries which have not concluded an international agreement with the Union ***guaranteeing such access***.

Amendment

1. For public procurement procedures referred to in Annex II, contracting authorities and contracting entities shall exclude from access to procurement procedures ***referred to in Part I of Annex II and Part I of Annex III*** tenders submitted by economic operators ***originating*** in third countries which have not concluded an international agreement with the Union ***under which the works, supplies, services and economic operators of that third country are entitled, within the scope of that agreement, to treatment no less favourable than that accorded to the works, supplies, services and economic operators of the Union.***

Or. en

Amendment 3780

Klara Dostalova, Jaroslava Pokorná Jermanová, Tomáš Kubín, Jaroslav Bžoch, Ondřej Knotek, Anna Brylka, Jaroslav Knot, Jana Nagyová

Proposal for a regulation

Article 34 – paragraph 1 – point 4

Regulation (EU) 2024/1735

Article 25a – paragraph 1

Text proposed by the Commission

1. For public procurement procedures referred to in Annex II, contracting authorities and contracting entities shall exclude from access to such procurement procedures tenders submitted by economic operators ***owned or controlled by an entity established*** in third countries which have

Amendment

1. For public procurement procedures referred to in Annex II, contracting authorities and contracting entities shall exclude from access to such procurement procedures tenders submitted by economic operators ***originating*** in third countries which have not concluded an international

not concluded an international agreement with the Union ***guaranteeing such access.***

agreement with the Union ***under which the works, supplies, services and economic operators of that third country are entitled, within the scope of that agreement, to treatment no less favourable than that accorded to the works, supplies, services and economic operators of the Union.***

Or. en

Justification

For the sake of consistency and legal certainty in application across instruments, it is appropriate to align the wording, to the greatest extent possible, with that of the IAA.

Amendment 3781

Pierre Juvet, Kathleen Van Brempt, Jens Geier, Javier Moreno Sánchez, Nicolás González Casares, François Kalfon, René Repasi, Jean-Marc Germain, Matthias Ecke, José Cepeda, Idoia Mendia, Ștefan Mușoiu, Marc Angel, Elena Sancho Murillo, Bruno Tobback, Elisabeth Grossmann, Raphaël Glucksmann, Niels Fuglsang, Lina Gálvez

Proposal for a regulation

Article 34 – paragraph 1 – point 4

Regulation (EU) 2024/1735

Article 25a– paragraph 1

Text proposed by the Commission

1. For public procurement procedures referred to in Annex II, contracting authorities and contracting entities shall exclude from access to such procurement procedures tenders submitted by economic operators owned or controlled by an entity established in third countries which have not concluded an international agreement with the Union guaranteeing such access.

Amendment

1. For public procurement procedures referred to in Annex II, contracting authorities and contracting entities shall exclude from access to such procurement procedures tenders submitted by economic operators ***directly or indirectly*** owned or controlled by an entity established in third countries which have not concluded an international agreement with the Union guaranteeing such access ***that has not been declared equivalent to EU origin under Article 7 of Regulation [XXX] (Industrial Accelerator Act)***

Or. en

Amendment 3782

Paolo Borchia, Isabella Tovaglieri, Raffaele Stancanelli, Jorge Martín Frías, Hermann Tertsch

Proposal for a regulation

Article 34 – paragraph 1 – point 4

Regulation (EU) 2024/1735

Article 25a– paragraph 1

Text proposed by the Commission

1. For public procurement procedures referred to in Annex II, contracting authorities and contracting entities shall exclude from access to such procurement procedures tenders submitted by economic operators owned or controlled by an entity established in third countries ***which have not concluded an international agreement with the Union guaranteeing such access.***

Amendment

1. For public procurement procedures referred to in Annex II, contracting authorities and contracting entities shall exclude from access to such procurement procedures tenders submitted by economic operators owned or controlled by an entity established in third countries.

Or. en

Amendment 3783

Marina Measure, Rudi Kennes

Proposal for a regulation

Article 34 – paragraph 1 – point 4

Regulation (EU) 2024/1735

Article 25a– paragraph 1

Text proposed by the Commission

1. For public procurement procedures referred to in Annex II, contracting authorities and contracting entities shall exclude from access to such procurement procedures tenders submitted by economic operators owned or controlled by an entity established in third countries ***which have not concluded an international agreement with the Union guaranteeing such access.***

Amendment

1. For public procurement procedures referred to in Annex II, contracting authorities and contracting entities shall exclude from access to such procurement procedures tenders submitted by economic operators owned or controlled by an entity established in third countries.

Or. en

Amendment 3784

Mariateresa Vivaldini, Nicolas Bay, Giovanni Crosetto, Marion Maréchal, Daniele Polato, Carlo Fidanza, Elena Donazzan, Nicola Procaccini, Sergio Berlato, Stefano Cavedagna, Carlo Ciccio, Alessandro Ciriani, Pietro Focchi, Alberico Gambino, Chiara Gemma, Paolo Inselvini, Lara Magoni, Mario Mantovani, Giuseppe Milazzo, Denis Nesci, Michele Picaro, Ruggero Razza, Antonella Sberna, Marco Squarta, Francesco Torselli, Francesco Ventola

Proposal for a regulation

Article 34 – paragraph 1 – point 4

Regulation (EU) 2024/1735

Article 25a – paragraph 1

Text proposed by the Commission

1. For public procurement procedures referred to in Annex II, ***contracting authorities and contracting entities shall exclude from access to such procurement procedures tenders submitted by economic operators owned or controlled by an entity established in third countries which have not concluded an international agreement with the Union guaranteeing such access.***

Amendment

1. For ***the purposes of*** public procurement procedures referred to in Annex II, ***content of Union origin refers to content originating in the Union.***

The origin of products and components shall be determined in accordance with Article 60 of Regulation (EU) No 952/2013 of the European Parliament and of the Council.

Or. en

Amendment 3785

Niels Flemming Hansen

Proposal for a regulation

Article 34 – paragraph 1 – point 4

Regulation (EU) 2024/1735

Article 25a – paragraph 1

Text proposed by the Commission

1. For public procurement procedures referred to in Annex II, contracting authorities ***and contracting entities*** shall exclude from access to such procurement

Amendment

1. For public procurement procedures referred to in Annex II, contracting authorities shall exclude from access to such procurement procedures tenders

procedures tenders submitted by economic operators owned or controlled by an entity established in third countries which have not concluded an international agreement with the Union guaranteeing such access.

submitted by economic operators owned or controlled by an entity established in third countries which have not concluded an international agreement with the Union guaranteeing such access.

Or. en

Amendment 3786

Tomislav Sokol

Proposal for a regulation

Article 34 – paragraph 1 – point 4

Regulation (EU) 2024/1735

Article 25a – paragraph 1

Text proposed by the Commission

1. For public procurement procedures referred to in Annex II, contracting authorities and contracting entities shall exclude from access to such procurement procedures tenders submitted by economic operators owned or controlled by an entity established in third *countries which have not concluded an international agreement with the Union guaranteeing such access.*

Amendment

1. For public procurement procedures referred to in Annex II, contracting authorities and contracting entities shall exclude from access to such procurement procedures tenders submitted by economic operators owned or controlled by an entity established in *a third country, unless that third country is designated as a trusted partner in accordance with Article 8*

Or. en

Amendment 3787

Sandro Gozi, Christophe Grudler

Proposal for a regulation

Article 34 – paragraph 1 – point 4a (new)

Regulation 2024/1735

Article 25a – paragraph 1a(new)

Text proposed by the Commission

Amendment

(4a) In Article 25a the following paragraph 1a is added:

1a. Contracting authorities and contracting entities shall exclude

economic operators from access to procurement procedures referred to in Annex II, where such operators do not comply with applicable obligations in the fields of social and labour law established by Union law, national law, collective agreements or by the fundamental ILO Conventions.

Or. en

Amendment 3788

Marina Mesure, Hanna Gedin, Rudi Kennes

Proposal for a regulation

Article 34 – paragraph 1 – point 4a (new)

Regulation (EU) 2024/1735

Article 25a – paragraph 1

Text proposed by the Commission

Amendment

(4a) In Article 25a the following paragraph 1a is added:

1a. Contracting authorities and contracting entities shall exclude economic operators from access to procurement procedures referred to in Annex II, where such operators do not comply with applicable obligations in the fields of social and labour law established by Union law, national law, collective agreements or by the fundamental ILO Conventions.

Or. en

Amendment 3789

David Cormand, Anna Cavazzini, Sara Matthieu
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 34 – paragraph 1 – point 4a (new)

Regulation (EU) 2024/1735

Article 25a – paragraph 1a (new)

Text proposed by the Commission

Amendment

(4a) In Article 25a the following paragraph 1a is added:

1a. Contracting authorities and contracting entities shall exclude economic operators from access to procurement procedures referred to in Annex II, where such operators do not comply with applicable obligations in the fields of social and labour law established by Union law, national law, collective agreements or by the fundamental ILO Conventions.

Or. en

Amendment 3790
Morten Løkkegaard

Proposal for a regulation
Article 34 – paragraph 1 – point 4(new)
Regulation (EU) 2024/1735
Article 25a – paragraph 1a (new)

Text proposed by the Commission

Amendment

(4a) In Article 25a the following paragraph 1a is added:

1a. This Article shall apply only to public procurement procedures with an estimated value reaching or exceeding an amount three times the relevant threshold referred to in Directive 2014/23/EU, Directive 2014/24/EU or Directive 2014/25/EU, as applicable.

Or. en

Justification

Without a separate threshold, the requirements for public procurement set out in the IAA would cover all procurement procedures falling within regular thresholds of relevant EU legislation. The amendment aims to ensure proportionality and avoiding undue burden on the public sector in the case of smaller projects by keeping only larger procurement

procedures in scope. The threshold is set as "three times" rather than a fixed amount, to account for revisions of existing thresholds in light of inflation etc.

Amendment 3791

Pierre Juvet, Kathleen Van Brempt, Jens Geier, Javier Moreno Sánchez, Nicolás González Casares, François Kalfon, René Repasi, Jean-Marc Germain, Matthias Ecke, José Cepeda, Idoia Mendia, Ștefan Mușoiu, Marc Angel, Elena Sancho Murillo, Bruno Tobback, Elisabeth Grossmann, Laura Ballarín Cereza, Raphaël Glucksmann, Niels Fuglsang, Lina Gálvez

Proposal for a regulation

Article 34 – paragraph 1 – point 4a (new)

Regulation (EU) 2024/1735

Article 25a – paragraph 1a (new)

Text proposed by the Commission

Amendment

(4a) In Article 25a the following paragraph 1a is added:

1a. By way of derogation from paragraph 1, contracting authorities and contracting entities shall not exclude economic operators referred to in paragraph 1 if they hold a valid certificate of eligibility issued in accordance with paragraph 1b.

Or. en

Amendment 3792

Pierre Juvet, Kathleen Van Brempt, Jens Geier, Javier Moreno Sánchez, Nicolás González Casares, François Kalfon, René Repasi, Jean-Marc Germain, Matthias Ecke, José Cepeda, Idoia Mendia, Ștefan Mușoiu, Marc Angel, Elena Sancho Murillo, Bruno Tobback, Elisabeth Grossmann, Laura Ballarín Cereza, Raphaël Glucksmann, Niels Fuglsang, Lina Gálvez

Proposal for a regulation

Article 34 – paragraph 1 – point 4b (new)

Regulation (EU) 2024/1735

Article 25a – paragraph 1b (new)

Text proposed by the Commission

Amendment

(4b) In Article 25a the following

paragraph 1b is added:

1b. 1b. The investment authority referred to in Article 18 of Regulation XXXX/XXXX (Industrial Accelerator Act) the Member State where the economic operator has its registered office shall issue, upon request, a certificate of eligibility valid for three years where the economic operator demonstrates that during the financial year preceding the request, all of the following conditions were met:

a) it had its registered office, central administration and principal place of business in the Union;

b) its shares were admitted to trading on a regulated market within the meaning of Article 4(1), point (21) of Directive 2014/65/EU;

c) more than 60% of its world-wide workforce, including its subsidiaries', ; was employed in the Union;

d) it met the conditions laid down in Article 18(2), points (c) to (f) of Regulation XXXX/XXXX (Industrial Accelerator Act).

For that purpose, the economic operator shall be treated as the Union target of a foreign direct investment made by the entity controlling it.

The share referred to in point (c) shall be calculated on the basis of the average number of employees during that financial year.

Or. en

Amendment 3793

Pierre Jouvét, Kathleen Van Brempt, Jens Geier, Javier Moreno Sánchez, Nicolás González Casares, François Kalfon, René Repasi, Jean-Marc Germain, Matthias Ecke, José Cepeda, Idoia Mendia, Ștefan Mușoiu, Marc Angel, Elena Sancho Murillo, Bruno Tobback, Elisabeth Grossmann, Laura Ballarín Cereza, Raphaël Glucksmann, Niels Fuglsang, Lina Gálvez

Proposal for a regulation

Article 34 – paragraph 1 – point 4c (new)

Regulation (EU) 2024/1735

Article 25a– paragraph 1c (new)

Text proposed by the Commission

Amendment

(4a) In article 25a the following paragraph 1c is added:

1c. The economic operator shall inform the Investment Authority which issued the certificate without delay of any change liable to affect compliance with the conditions laid down in paragraph 1b. The Investment Authority may carry out checks at any time during the period of validity of the certificate, in particular as regards changes in control, registered office or manufacturing activities in the Union, and shall do so where it has reasons to believe that the conditions laid down in paragraph 1b are no longer met or at the request of the Commission. It shall withdraw the certificate where the economic operator no longer meets the conditions laid down in paragraph 1b or where the certificate was issued on the basis of incorrect or misleading information. The Commission may request the withdrawal of a certificate. The withdrawal shall be recorded without delay in the register referred to in paragraph 1b.

Or. en

Amendment 3794

Ondřej Krutílek

Proposal for a regulation

Article 34 – paragraph 1 – point 4

Regulation (EU) 2024/1735

Article 25a – paragraph 2

Text proposed by the Commission

2. For public procurement procedures referred to in Annex II, contracting authorities and contracting entities shall **apply** the Union origin requirements laid down therein. Requirements relating to **specific** main specific components shall only apply to the extent that those components are included in the final product.

Amendment

2. For public procurement procedures referred to in Annex II, contracting authorities and contracting entities shall **include in public procurement documents** the Union origin requirements laid down therein **on successful tenderers for the duration of the contract**. Requirements relating to **particular** main specific components shall only apply to the extent that those components are included in the final product.

Contracting authorities and contracting entities may decide not to apply Union origin requirements where their application would materially delay projects necessary for electricity or gas network security, grid connection of renewable generation, security of supply or nuclear safety.

Or. en

Amendment 3795

Klara Dostalova, Jaroslava Pokorná Jermanová, Tomáš Kubín, Jaroslav Bžoch, Ondřej Knotek, Jana Nagyová, Jaroslav Knot, Anna Brylka

Proposal for a regulation

Article 34 – paragraph 1 – point 4

Regulation (EU) 2024/1735

Article 25a paragraph 2

Text proposed by the Commission

2. For public procurement procedures referred to in Annex II, contracting authorities and contracting entities shall **apply** the Union origin requirements laid down therein. Requirements relating to **specific** main specific components shall only apply to the extent that those components are included in the final product.

Amendment

2. For public procurement procedures referred to in Annex II, contracting authorities and contracting entities shall **include in public procurement documents** the Union origin requirements laid down therein **on successful tenderers for the duration of the contract**. Requirements relating to **particular** main specific components shall only apply to the extent that those components are included in the

final product. *Contracting authorities and contracting entities may decide not to apply Union origin requirements where their application would materially delay projects necessary for electricity or gas network security, grid connection of renewable generation, security of supply or nuclear safety.*

Or. en

Justification

Net-zero and grid-related procurement often depends on long lead-time components and specialized supply chains. A targeted derogation is needed to avoid conflicts between industrial-origin objectives and urgent decarbonization/security-of-supply investments.

Amendment 3796

Niels Flemming Hansen

Proposal for a regulation

Article 34 – paragraph 1 – point 4

Regulation (EU) 2024/1735

Article 25a – paragraph 2

Text proposed by the Commission

2. For public procurement procedures referred to in Annex II, contracting authorities *and contracting entities* shall apply the Union origin requirements laid down therein. Requirements relating to specific main specific components shall only apply to the extent that those components are included in the final product.

Amendment

2. For public procurement procedures referred to in Annex II, contracting authorities shall apply the Union origin requirements laid down therein. Requirements relating to specific main specific components shall only apply to the extent that those components are included in the final product.

Or. en

Amendment 3797

Regina Doherty, Peter Agius

Proposal for a regulation

Article 34 – paragraph 1 – point 4a (new)

Text proposed by the Commission

Amendment

(4a) In Article 25a the following paragraph 2a is added:

2a. By way of derogation from paragraph 2, where a public procurement procedure for net-zero technologies listed in Annex II concerns the conclusion of a framework agreement with several economic operators, the Union origin requirements shall be deemed to be fulfilled where at least 50% of the total value or volume of net-zero technologies or main specific components awarded over the duration of the framework agreement complies with those requirements. Within that limit, contracting authorities and contracting entities may award specific contracts among the economic operators party to the framework agreement in a manner that prevents supply chain bottlenecks and secures access to essential technologies.

Or. en

Amendment 3798

Julie Rechagneux, Aleksandar Nikolic, Mathilde Androuët, Virginie Joron, Christophe Bay, Thierry Mariani, Mélanie Disdier

Proposal for a regulation

Article 34 – paragraph 1 – point 4 a (new)

Regulation (EU) 2024/1735

Article 54 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(4a) The following paragraph shall be added to Article 25a:

2a. Contracting authorities and contracting entities shall, where possible, ensure that public procurement procedures are structured in such a way

as to facilitate the participation of small and medium-sized enterprises established in the Union, in particular by using lot-by-lot awarding, reducing documentation requirements and using award criteria that prioritise proximity to industry, local maintenance, security of supply and employment benefits.

Or. fr

Amendment 3799

Seán Kelly, Regina Doherty, Nina Carberry, Maria Walsh

Proposal for a regulation

Article 34 – paragraph 1 – point 4

Regulation (EU) 2024/1735

Article 25a – paragraphe 2a (new)

Text proposed by the Commission

Amendment

(4a) In Article 25a the following paragraph 2a is added:

2a. By way of derogation from paragraph 2, where a public procurement procedure for net-zero technologies listed in Annex II concerns the conclusion of a framework agreement with several economic operators, contracting authorities and contracting entities shall ensure that at least 50% of the economic operators party to that framework agreement supply net-zero technologies or main specific components that comply with the Union origin requirements.

Or. en

Justification

For multi-supplier framework agreements, requiring that 50 per cent of the participating economic operators supply Union-origin net-zero technologies – rather than enforcing a strict volume threshold – affords contracting entities crucial operational flexibility. Furthermore, expanding the exemptions for technical incompatibility, disproportionate costs, and significant delays to cover entire multi-year spending and investment plans ensures that utilities can secure essential technologies without jeopardising their regulated, system-wide

infrastructure upgrades.

Amendment 3800

Pierre Jouvét, Kathleen Van Brempt, Jens Geier, Javier Moreno Sánchez, Nicolás González Casares, François Kalfon, René Repasi, Jean-Marc Germain, Matthias Ecke, José Cepeda, Idoia Mendia, Ștefan Mușoiu, Marc Angel, Elena Sancho Murillo, Bruno Tobback, Elisabeth Grossmann, Laura Ballarín Cereza, Raphaël Glucksmann, Niels Fuglsang, Lina Gálvez

Proposal for a regulation

Article 34 – paragraph 1 – point 4

Regulation (EU) 2024/1735

Article 25a – paragraphe 3

Text proposed by the Commission

3. Contracting authorities and contracting entities may decide not to apply one or several requirements set out in Annex II where any of the following conditions are fulfilled:

Amendment

3. Contracting authorities and contracting entities may decide, ***subject to justification***, not to apply one or several requirements set out in Annex II where any of the following conditions are fulfilled:

Or. en

Amendment 3801

Niels Flemming Hansen

Proposal for a regulation

Article 34 – paragraph 1 – point 4

2024/1735

Article 25a – paragraphe 3

Text proposed by the Commission

3. Contracting authorities ***and contracting entities*** may decide not to apply one or several requirements set out in Annex II where any of the following conditions are fulfilled:

Amendment

3. Contracting authorities may decide not to apply one or several requirements set out in Annex II where any of the following conditions are fulfilled:

Or. en

Amendment 3802

Jaroslava Pokorná Jermanová, Tomáš Kubín, Jaroslav Bžoch, Ondřej Knotek, Jana Nagyová, Jaroslav Knot, Anna Brylka, Klara Dostalova

Proposal for a regulation

Article 34 – paragraph 1 – point 4

Regulation (EU) 2024/1735

Article 25a – paragraphe 3

Text proposed by the Commission

Amendment

(a) the required products can only be supplied by one specific economic operator, and no reasonable alternative or substitute exists, and the absence of competition is not the result of an artificial narrowing down of the parameters of the public procurement procedure;

deleted

Or. en

Amendment 3803

Regina Doherty, Peter Agius

Proposal for a regulation

Article 34 – paragraph 1 – point 4

Regulation (EU) 2024/1735

Article 25a – paragraphe 3 – point a

Text proposed by the Commission

Amendment

(a) the required products can only be supplied by one specific economic operator, and no reasonable alternative or substitute exists, and the absence of competition is not the result of an artificial narrowing down of the parameters of the public procurement procedure;

(a) the required products can only be supplied by one specific economic operator, and no reasonable alternative or substitute exists, and the absence of competition is not the result of an artificial narrowing down of the parameters of the public procurement procedure; **contracting entities may award specific contracts based on the framework agreement flexibly among participating economic operators to prevent supply chain bottlenecks and secure essential technologies, provided that the proportion of economic operators party to the framework agreement complies with**

paragraph 2a.

Or. en

Amendment 3804

Seán Kelly, Regina Doherty, Nina Carberry, Maria Walsh

Proposal for a regulation

Article 34 – paragraph 1 – point 4

Regulation (EU) 2024/1735

Article 25a – paragraphe 3 – point a

Text proposed by the Commission

(a) the required products can only be supplied by one specific economic operator, and no reasonable alternative or substitute exists, and the absence of competition is not the result of an artificial narrowing down of the parameters of the public procurement procedure;

Amendment

(a) the required products can only be supplied by one specific economic operator, and no reasonable alternative or substitute exists, and the absence of competition is not the result of an artificial narrowing down of the parameters of the public procurement procedure; ***contracting entities may award specific contracts based on the framework agreement flexibly among participating economic operators to prevent supply chain bottlenecks and secure essential technologies, provided that the proportion of economic operators party to the framework agreement complies with paragraph 2a.***

Or. en

Amendment 3805

Ondřej Krutílek

Proposal for a regulation

Article 34 – paragraph 1 – point 4

Regulation (EU) 2024/1735

Article 25a – paragraph 3 – point a

Text proposed by the Commission

(a) the ***required products can only be supplied by one specific economic***

Amendment

(a) the ***contracting authority awards a public contract in a negotiated*** procedure

operator, and no reasonable alternative or substitute exists, and the absence of competition is not the result of an artificial narrowing down of the parameters of the public procurement procedure;

without prior publication,

Or. en

Amendment 3806
Piotr Müller

Proposal for a regulation
Article 34 – paragraph 1 – point 4
Regulation (EU) 2024/1735
Article 25a – paragraph 3 – point a

Text proposed by the Commission

(a) the required products can only be supplied by one specific economic operator, and no reasonable alternative or substitute exists, and the absence of competition is not the result of an artificial narrowing down of the parameters of the public procurement procedure;

Amendment

(a) the required products, ***works or services*** can only be supplied ***or performed*** by one specific economic operator, and no reasonable alternative or substitute exists, and the absence of competition is not the result of an artificial narrowing down of the parameters of the public procurement procedure;

Or. en

Justification

Large energy projects, such as nuclear power plants, grids or offshore wind, are procured as works contracts or concessions, where often only one contractor can deliver a given technology. The derogation should cover them to avoid blocking strategic projects, while keeping the safeguard against artificial narrowing of competition.

Amendment 3807
Pierre Juvet, Kathleen Van Brempt, Jens Geier, Javier Moreno Sánchez, Nicolás González Casares, François Kalfon, René Repasi, Jean-Marc Germain, Matthias Ecke, José Cepeda, Idoia Mendia, Ștefan Mușoiu, Marc Angel, Elena Sancho Murillo, Bruno Tobback, Elisabeth Grossmann, Laura Ballarín Cereza, Raphaël Glucksmann, Niels Fuglsang, Lina Gálvez

Proposal for a regulation

Article 34 – paragraph 1 – point 4

Regulation (EU) 2024/1735

Article 25a – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) the required products can only be supplied by one specific economic operator, and no **reasonable** alternative or substitute exists, and the absence of competition is not the result of an artificial narrowing down of the parameters of the public procurement procedure;

(a) the required products can only be supplied by one specific economic operator, and no alternative or substitute exists, and the absence of competition is not the result of an artificial narrowing down of the parameters of the public procurement procedure;

Or. en

Amendment 3808

Matej Tonin

Proposal for a regulation

Article 34 – paragraph 1 – point 4a (new)

Regulation 2024/1735

Article 25a – paragraph 3 – point a – point aa (new)

Text proposed by the Commission

Amendment

(4a) In Article 25a paragraph 3 point a a new point aa is added:

(aa) The required main specific components are part of broader functional systems whose engineering, procurement and construction require a unified systemic approach;

Or. en

Justification

Contracting authorities and entities often rely on economic operators for the engineering, procurement and construction (EPC) of their projects. The complexity of these contracts requires a systemic approach, considering the infrastructure project as a whole from the design stage, as its successful delivery depends on the interoperability of multiple systems and components. Public procurement procedures already need to account for the complexity of such projects and their contractual structures. Applying NZIA component-based rules in isolation would be inadequate and could ultimately hinder the effective delivery of these

projects.

Amendment 3809

Ondřej Krutílek

Proposal for a regulation

Article 34 – paragraph 1 – point 4

Regulation (EU) 2024/1735

Article 25a – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) no suitable tenders or no suitable requests to participate have been submitted, including in response to a similar former public procurement procedure launched by the same contracting authority or contracting entity in the two years preceding the start of the planned new procurement procedure; **deleted**

Or. en

Amendment 3810

Klara Dostalova, Jaroslava Pokorná Jermanová, Tomáš Kubín, Jaroslav Bžoch, Ondřej Knotek, Anna Brylka, Jaroslav Knot, Jana Nagyová

Proposal for a regulation

Article 34 – paragraph 1 – point 4

Regulation (EU) 2024/1735

Article 25a – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) no suitable tenders or no suitable requests to participate have been submitted, including in response to a similar former public procurement procedure launched by the same contracting authority or contracting entity in the two years preceding the start of the planned new procurement procedure; **deleted**

Or. en

Amendment 3811

Seán Kelly, Regina Doherty, Nina Carberry, Maria Walsh

Proposal for a regulation

Article 34 – paragraph 1 – point 4

Regulation (EU) 2024/1735

Article 25a – paragraph 3 – point b

Text proposed by the Commission

(b) no suitable tenders or no suitable requests to participate have been submitted, including in response to a similar former public procurement procedure launched by the same contracting authority or contracting entity in the **two** years preceding the start of the planned new procurement procedure;

Amendment

(b) no suitable tenders or no suitable requests to participate have been submitted, including in response to a similar former public procurement procedure launched by the same contracting authority or contracting entity in the **five** years preceding the start of the planned new procurement procedure;

Or. en

Justification

Extending the exemption lookback period for previously unsuitable tenders from two to five years accurately reflects the long adaptation timelines of net-zero supply chains, which accelerates project delivery by reducing repetitive administrative burdens for public buyers.

Amendment 3812

Regina Doherty, Peter Agius

Proposal for a regulation

Article 34 – paragraph 1 – point 4

Regulation (EU) 2024/1735

Article 25a – paragraph 3 – point b

Text proposed by the Commission

(b) no suitable tenders or no suitable requests to participate have been submitted, including in response to a similar former public procurement procedure launched by the same contracting authority or contracting entity in the **two** years preceding the start of the planned new procurement procedure;

Amendment

(b) no suitable tenders or no suitable requests to participate have been submitted, including in response to a similar former public procurement procedure launched by the same contracting authority or contracting entity in the **five** years preceding the start of the planned new procurement procedure;

Amendment 3813
Ondřej Krutílek

Proposal for a regulation
Article 34 – paragraph 1 – point 4
Regulation (EU) 2024/1735
Article 25a – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) *their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in operation and maintenance. Estimated cost differences in excess of 25%, based on objective and transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate.* *deleted*

Or. en

Amendment 3814

Klara Dostalova, Jaroslava Pokorná Jermanová, Tomáš Kubín, Jaroslav Bžoch, Ondřej Knotek, Jana Nagyová, Jaroslav Knot, Anna Brylka, Enikő Győri, András Gyürk, Ernő Schaller-Baross, András László

Proposal for a regulation
Article 34 – paragraph 1 – point 4
Regulation (EU) 2024/1735
Article 25a – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) *their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in operation and maintenance. Estimated cost differences in excess of 25%, based on objective and transparent data, may be presumed by* *deleted*

contracting authorities and contracting entities to be disproportionate.

Or. en

Amendment 3815

Pierre Jouvét, Kathleen Van Brempt, Jens Geier, Javier Moreno Sánchez, Nicolás González Casares, François Kalfon, René Repasi, Jean-Marc Germain, Matthias Ecke, José Cepeda, Idoia Mendia, Ștefan Mușoiu, Marc Angel, Elena Sancho Murillo, Bruno Tobback, Elisabeth Grossmann, Laura Ballarín Cereza, Raphaël Glucksmann, Niels Fuglsang, Lina Gálvez

Proposal for a regulation

Article 34 – paragraph 1 – point 4

Regulation (EU) 2024/1735

Article 25a – paragraph 3 – point c

Text proposed by the Commission

(c) their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in operation and maintenance. Estimated cost differences in excess of **25%**, based on objective and transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate.

Amendment

(c) their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in operation and maintenance. Estimated cost differences in excess of **40% of the total contract value**, based on objective and transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate ***until the adoption of the delegated act referred to in in the second subparagraph of this point by the Commission. When assessing disproportionate costs, contracting authorities and contracting entities shall take into account available evidence that the observed cost difference is materially affected by dumping, foreign subsidies, state-backed overcapacity or materially different social or environmental compliance costs, and shall provide reasons for any decision to apply this derogation.***

The Commission shall adopt by [OP: Please insert the date = six months after the date of entry into force of this

Regulation], a delegated act in accordance with Article 44 to specify and differentiate the cost differences referred to in Article 25a paragraph 3(c) by technology covered by Annex II.

Or. en

Amendment 3816

David Cormand, Anna Cavazzini, Sara Matthieu
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 34 – paragraph 1 – point 4

Regulation (EU)2024/1735

Article 25a – paragraph 3 – point c

Text proposed by the Commission

(c) their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in operation and maintenance. Estimated cost differences ***in excess of 25%***, based on objective and transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate.

Amendment

(c) their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in operation and maintenance. Estimated cost differences ***shall be calculated on the total contract value of***, based on objective and transparent ***sectoral*** data, ***and*** may be presumed by contracting authorities and contracting entities to be disproportionate ***in accordance with the thresholds set under delegated act referred to in the second subparagraph of this point by the Commission.***

The Commission shall adopt, by [OP: Please insert the date = six months after the date of entry into force of this Regulation], a delegated act in accordance with Article 44 to specify and differentiate the cost differences referred to in Article 25a paragraph 3(c) by technology covered by Annex II. Contracting authorities and contracting entities shall provide justification for such decision

Amendment 3817

Virgil-Daniel Popescu, Siegfried Mureşan, Daniel Buda, Dan-Ştefan Motreanu, Ioan-Rareş Bogdan, Mircea-Gheorghe Hava, Gheorghe Falcă, Iuliu Winkler, Loránt Vincze

Proposal for a regulation**Article 34 – paragraph 1 – point 4**

regulation (EU) 2024/1735

Article 25a – paragraph 3 – point c

Text proposed by the Commission

(c) their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in operation and maintenance. ***Estimated cost differences in excess of 25%, based on objective and transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate.***

Amendment

(c) their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in operation and maintenance. ***A difference in purchase price alone shall not be sufficient to establish disproportionate costs. When assessing disproportionate costs, contracting authorities and contracting entities shall take into account, where relevant, life-cycle costs, security of supply, resilience, strategic dependencies and cybersecurity. A derogation on grounds of disproportionate costs shall apply only to the extent that the required products or components cannot reasonably be supplied from existing or reasonably foreseeable Union manufacturing capacity within the delivery period concerned. Where Union manufacturing capacity can meet only part of the relevant demand, the derogation shall be limited to the share which cannot reasonably be supplied from such capacity.***

Or. en

Justification

A price-based derogation should not create a structural disadvantage for newly established or expanding Union manufacturing capacity. The assessment should reflect the wider economic-security and resilience benefits pursued by Union origin requirements and should

be proportionate to the actual availability of Union manufacturing capacity.

Amendment 3818

Mariateresa Vivaldini, Nicolas Bay, Giovanni Crosetto, Marion Maréchal, Daniele Polato, Carlo Fidanza, Elena Donazzan, Nicola Procaccini, Sergio Berlato, Stefano Cavedagna, Carlo Ciccio, Alessandro Ciriani, Pietro Fiocchi, Alberico Gambino, Chiara Gemma, Paolo Inselvini, Lara Magoni, Mario Mantovani, Giuseppe Milazzo, Denis Nesci, Michele Picaro, Ruggero Razza, Antonella Sberna, Marco Squarta, Francesco Torselli, Francesco Ventola

Proposal for a regulation

Article 34 – paragraph 1 – point 4

Regulation (EU) 2024/1735

Article 25a – paragraph 3 – point c

Text proposed by the Commission

(c) their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in operation and maintenance. Estimated cost differences in excess of **25%, based on objective and transparent data**, may be presumed by contracting authorities and contracting entities to be disproportionate.

Amendment

(c) their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs, **including additional administrative and sourcing costs arising from compliance with the requirements set out in this Article**, or would result in technical incompatibility in operation and maintenance. Estimated cost differences in excess of **35% of the total contract value**, may be presumed by contracting authorities and contracting entities to be disproportionate. **For the purposes of this point, cost differences shall be assessed only between technically comparable products, services or works, including with regard to technical specifications, performance, delivery conditions, contractual duration, certification requirements, environmental characteristics and compliance costs related to Union origin, traceability and low-carbon requirements.**

Or. en

Justification

Derogations from Union origin requirements should remain exceptional and should not undermine their industrial policy objective. Cost comparisons should therefore reflect the

actual costs of compliance and be made only between technically comparable alternatives.

Amendment 3819

Letizia Moratti, Fulvio Martusciello, Massimiliano Salini, Salvatore De Meo

Proposal for a regulation

Article 34 – paragraph 1 – point 4

Regulation (EU) 2024/1735

Article 25a – paragraph 3 – point c

Text proposed by the Commission

(c) their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in operation and maintenance. Estimated cost differences in excess of **25%**, based on objective and transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate.

Amendment

(c) their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in operation and maintenance. Estimated cost differences in excess of **50%**, based on objective and transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate. ***For the purposes of this point, cost differences shall be assessed only between technically comparable products, services or works, including with regard to technical specifications, performance, delivery conditions, contractual duration, certification requirements, environmental characteristics and compliance costs related to Union origin, traceability and low-carbon requirements.***

Or. en

Amendment 3820

Seán Kelly, Regina Doherty, Nina Carberry, Maria Walsh

Proposal for a regulation

Article 34 – paragraph 1 – point 4

Regulation (EU) 2024/1735

Article 25a – paragraph 3 – point c

Text proposed by the Commission

(c) their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in operation and maintenance. Estimated cost differences in excess of 25%, based on objective and transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate.

Amendment

(c) their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in operation and maintenance ***for a project, funding programme, regulatory and investment framework, or multi-year spending and investment plan subject to regulatory approval or oversight***. Estimated cost differences in excess of 25%, based on objective and transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate.

Or. en

Amendment 3821

Regina Doherty, Peter Agius

Proposal for a regulation

Article 34 – paragraph 1 – point 4

Regulation (EU) 2024/1735

Article 25a – paragraph 3 – point c

Text proposed by the Commission

(c) their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in operation and maintenance. Estimated cost differences in excess of 25%, based on objective and transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate.

Amendment

(c) their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in operation and maintenance ***for a project, funding programme, regulatory and investment framework, or multi-year spending and investment plan subject to regulatory approval or oversight***. Estimated cost differences in excess of 25%, based on objective and transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate.

Or. en

Amendment 3822

Sandro Gozi, Christophe Grudler

Proposal for a regulation

Article 34 – paragraph 1 – point 4

Regulation (EU) 2024/1735

Article 25a– paragraph 3–point c

Text proposed by the Commission

(c) their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in operation and maintenance. Estimated cost differences in excess of **25%**, based on objective and transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate.

Amendment

(c) their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in operation and maintenance. Estimated cost differences in excess of **40% of the total contract value**, based on objective and transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate ***until the adoption of the delegated act referred to in the second subparagraph of this point by the Commission.***

Or. en

Amendment 3823

Regina Doherty, Peter Agius

Proposal for a regulation

Article 34 – paragraph 1 – point 4

Regulation (EU) 2024/1735

Article 25a – paragraph 3 – point c

Text proposed by the Commission

(c) their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in operation and maintenance. Estimated cost differences in excess of 25%, based on objective and transparent data, may be presumed by

Amendment

(c) their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in operation and maintenance ***for a project, funding programme, regulatory and investment framework, or multi-year spending and***

contracting authorities and contracting entities to be disproportionate.

investment plan. Estimated cost differences in excess of 25%, based on objective and transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate.

Or. en

Amendment 3824

Nikola Minchev, Anna-Maja Henriksson, Cynthia Ní Mhurchú

Proposal for a regulation

Article 34 – paragraph 1 – point 4

Regulation (EU) 2024/1735

Article 25a – paragraph 3 – point c

Text proposed by the Commission

(c) their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in operation and maintenance. Estimated cost differences in excess of 25%, based on objective and transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate.

Amendment

(c) their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in operation and maintenance. Estimated cost differences in excess of 25% *of the total contract value*, based on objective and transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate.

Or. en

Amendment 3825

Kamila Gasiuk-Pihowicz, Krzysztof Hetman, Borys Budka, Bogdan Andrzej Zdrojewski, Dariusz Joński, Adam Jarubas, Mirosława Nykiel, Andrzej Bula

Proposal for a regulation

Article 34 – paragraph 1 – point 4

Regulation (EU) 2024/1735

Article 25a – paragraph 3 – point c

Text proposed by the Commission

(c) their application would require a contracting authority or contracting entity

Amendment

(c) their application would require a contracting authority or contracting entity

to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in operation and maintenance. Estimated cost differences in excess of **25%**, based on objective and transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate.

to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in operation and maintenance. Estimated cost differences in excess of **10%**, based on objective and transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate.

Or. en

Amendment 3826

Julie Rechagneux, Aleksandar Nikolic, Mathilde Androuët, Virginie Joron, Christophe Bay, Thierry Mariani, Mélanie Disdier

Proposal for a regulation

Article 34 – paragraph 1 – point 4

Regulation (EU) 2024/1735

Article 25 a – paragraph 3 – point c

Text proposed by the Commission

(c) their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in operation and maintenance. Estimated cost differences in excess of **25%**, based on objective and transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate.

Amendment

(c) their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in operation and maintenance. Estimated cost differences in excess of **40 %**, based on objective and transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate.

Or. fr

Amendment 3827

Marina Measure, Rudi Kennes

Proposal for a regulation

Article 34 – paragraph 1 – point 4

Regulation (EU) 2024/1735

Article 25a – paragraph 3 – point c

Text proposed by the Commission

(c) their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in operation and maintenance. Estimated cost differences in excess of **25%**, based on objective and transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate.

Amendment

(c) their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in operation and maintenance. Estimated cost differences in excess of **60%**, based on objective and transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate.

Or. en

Amendment 3828

Dirk Gotink

Proposal for a regulation

Article 34 – paragraph 1 – point 4

Amendments to Regulation (EU) 2024/1735

Article 25a – paragraph 3 – point c

Text proposed by the Commission

(c) their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in operation and maintenance. Estimated cost differences in excess of **25%**, based on objective and transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate.

Amendment

(c) their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in operation and maintenance. Estimated cost differences in excess of **20%**, based on objective and transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate.

Or. en

Amendment 3829

Tomislav Sokol

Proposal for a regulation

Article 34 – paragraph 1 – point 4

Text proposed by the Commission

(c) their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in operation and maintenance. Estimated cost differences in excess of **25%**, based on objective and transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate.

Amendment

(c) their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in operation and maintenance. Estimated cost differences in excess of **35%**, based on objective and transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate.

Or. en

Amendment 3830
Dario Tamburrano

Proposal for a regulation
Article 34 – paragraph 1 – point 4
Regulation (EU) 2024/1735
Article 25a – paragraph 3 – point c

Text proposed by the Commission

(c) their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in operation and maintenance. Estimated cost differences in excess of **25%**, based on objective and transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate.

Amendment

(c) their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in operation and maintenance. Estimated cost differences in excess of **15%**, based on objective and transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate.

Or. en

Justification

Despite it is fundamental to promote Made in Europe, the current economic situation means that public administrations would not have sufficient resources to purchase the products they need if the premium is too high.

Amendment 3831

Sophie Wilmès, Benoit Cassart

Proposal for a regulation

Article 34 – paragraph 1 – point 4

Regulation (EU) 2024/1735

Article 25a – paragraph 3 – point c

Text proposed by the Commission

(c) their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in operation and maintenance. Estimated cost differences in excess of **25%**, based on objective and transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate.

Amendment

(c) their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in operation and maintenance. Estimated cost differences in excess of **35%**, based on objective and transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate.

Or. en

Amendment 3832

Bart Groothuis, Christophe Grudler, Jeannette Baljeu, Sandro Gozi, Sophie Wilmès, Benoit Cassart, Yvan Verougstraete, Sigrid Friis, Martin Hojsík, Ľubica Karvašová

Proposal for a regulation

Article 34 – paragraph 1 – point 4

Regulation (EU) 2024/1735

Article 25a – paragraph 3 – point c

Text proposed by the Commission

(c) their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in operation and maintenance. Estimated cost differences in excess of **25%**, based on objective and transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate.

Amendment

(c) their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in operation and maintenance. Estimated cost differences in excess of **40%**, based on objective and transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate.

Justification

At 25%, a cheaper imported product almost always wins and the requirements are easily switched off. A 40% threshold keeps the derogation for real cost problems only. This is the same threshold as for net-zero auctions and support.

Amendment 3833

Seán Kelly, Regina Doherty, Nina Carberry, Maria Walsh

Proposal for a regulation**Article 34 – paragraph 1 – point 4**

Regulation (EU) 2024/1735

Article 25a

Text proposed by the Commission

(d) their application would lead to significant delays to the delivery of the project due to the unavailability of the required components or final products. Estimated delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.

Amendment

(d) their application would lead to significant delays to the delivery of the project, ***funding programme, regulatory and investment framework, or multi-year spending and investment plan*** due to the unavailability of the required components or final products. Estimated delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.

Amendment 3834

Regina Doherty, Peter Agius

Proposal for a regulation**Article 34 – paragraph 1 – point 4**

Regulation (EU) 2024/1735

Article 25a – paragraph 3 – point c

Text proposed by the Commission

(d) their application would lead to significant delays to the delivery of the project due to the unavailability of the required components or final products.

Amendment

(d) their application would lead to significant delays to the delivery of the project, ***funding programme, regulatory and investment framework, or multi-year***

Estimated delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.

spending and investment plan due to the unavailability of the required components or final products. Estimated delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.

Or. en

Amendment 3835

Julie Rechagneux, Aleksandar Nikolic, Mathilde Androuët, Virginie Joron, Christophe Bay, Thierry Mariani, Mélanie Disdier

Proposal for a regulation

Article 34 – paragraph 1 – point 4

Regulation (EU) 2024/1735

Article 25 a – paragraph 3 – point c

Text proposed by the Commission

(d) their application would lead to significant delays to the delivery of the project due to the unavailability of the required components or final products. Delays in excess of ***seven*** months, based on objective, transparent and verifiable data, may be presumed to be significant.

Amendment

(d) their application would lead to significant delays to the delivery of the project due to the unavailability of the required components or final products. Delays in excess of ***nine*** months, based on objective, transparent and verifiable data, may be presumed to be significant.

Or. fr

Amendment 3836

Tomislav Sokol

Proposal for a regulation

Article 34 – paragraph 1 – point 4a (new)

Regulation (EU) 2024/1735

Article 25a – paragraph 3 – point da (new)

Text proposed by the Commission

Amendment

(4a) In Article 25a paragraph 3 point da is added:

(da) The decision not to apply one or several requirements set out in Annex II

pursuant to paragraph 3 shall be duly justified and documented in writing by the contracting authority or contracting entity. The justification shall specify the relevant circumstances and considerations, including the objective, transparent and verifiable data relied upon, and shall be accompanied by the supporting evidence necessary to demonstrate that the conditions for the relevant derogation are fulfilled.

Or. en

Amendment 3837
Piotr Müller

Proposal for a regulation
Article 34 – paragraph 1 – point 4a (new)
Regulation (EU) 2024/1735
Article 25a

Text proposed by the Commission

Amendment

(4a) In Article 25a paragraph 3 point da is added:

(da) their application would affect the essential security interests of a Member State, including in the fields of defence, critical infrastructure and energy security.

Or. en

Justification

Energy infrastructure is critical infrastructure. Where security considerations require a specific supplier or rapid delivery, for example for grid or storage projects near the Union's eastern border, contracting authorities should be able to derogate from origin requirements, in line with the security exceptions in Article 15 of Directive 2014/24/EU and Article 24 of Directive 2014/25/EU.

Amendment 3838
Dirk Gotink, Wouter Beke, Pascal Arimont, Christian Ehler, Willemien Koning, Markus Ferber, Sabine Verheyen, Monika Hohlmeier, Christian Doleschal, Norbert Herhammer, Verena Mertens, Inese Vaidere, Andrea Wechsler, Henrik Dahl, Martine

Kemp, Andreas Schwab, Jörgen Warborn, Hildegard Bentele, Rasa Juknevičienė, Regina Doherty, Oliver Schenk, Norbert Lins, Borys Budka, Mirosława Nykiel, Krzysztof Hetman, Andrzej Buła, Dariusz Joński, Bogdan Andrzej Zdrojewski, Adam Jarubas, Kamila Gasiuk-Pihowicz, Dóra Dávid, Eszter Lakos, Angelika Niebler

Proposal for a regulation

Article 34 – paragraph 1 – point 4a (new)

Regulation (EU) 2024/1735

Article 25a – paragraph 3 – point da (new)

Text proposed by the Commission

Amendment

(4a) In Article 25a paragraph 3 point da is added:

(da) Their application would affect national security of the Union, or one or several Member States.

Or. en

Amendment 3839

Dirk Gotink, Wouter Beke, Pascal Arimont, Christian Ehler, Willemien Koning, Markus Ferber, Sabine Verheyen, Monika Hohlmeier, Christian Doleschal, Norbert Herhammer, Verena Mertens, Inese Vaidere, Andrea Wechsler, Henrik Dahl, Martine Kemp, Andreas Schwab, Jörgen Warborn, Hildegard Bentele, Rasa Juknevičienė, Regina Doherty, Norbert Lins, Borys Budka, Mirosława Nykiel, Krzysztof Hetman, Andrzej Buła, Dariusz Joński, Bogdan Andrzej Zdrojewski, Adam Jarubas, Kamila Gasiuk-Pihowicz, Oliver Schenk, Dóra Dávid, Eszter Lakos, Angelika Niebler

Proposal for a regulation

Article 34 – paragraph 1 – point 4b (new)

Regulation (EU) 2024/1735

Article 25a – paragraph 3 – point db (new)

Text proposed by the Commission

Amendment

(4a) In Article 25a paragraph 3 point db is added:

(db) Their application would result in a material delay to the implementation of the project, or would otherwise threaten the security of supply in the Union of the products in question, in particular where this would adversely affect system reliability or the timely delivery of critical infrastructure.

Amendment 3840

Piotr Müller

Proposal for a regulation

Article 34 – paragraph 1 – point 4a (new)

Regulation (EU) 2024/1735

Article 25a – paragraph 3 – point db (new)

Text proposed by the Commission

Amendment

(4a) In Article 25a paragraph 3 point db is added:

(db) their application would jeopardise the timely use of Union funds subject to binding deadlines for commitment or payment.

Or. en

Justification

Grid, storage and renewable energy projects are often co-financed by cohesion policy funds and other Union programmes with strict deadlines. As under Article 11 of this Regulation, contracting authorities should not have to choose between delaying a project and losing Union funding when origin requirements cannot be met in time.

Amendment 3841

Pierre Jouvét, Kathleen Van Brempt, Jens Geier, Javier Moreno Sánchez, Nicolás González Casares, François Kalfon, René Repasi, Jean-Marc Germain, Matthias Ecke, José Cepeda, Idoia Mendia, Ștefan Mușoiu, Marc Angel, Elena Sancho Murillo, Bruno Tobback, Elisabeth Grossmann, Laura Ballarín Cereza, Raphaël Glucksmann, Niels Fuglsang, Lina Gálvez

Proposal for a regulation

Article 34 – paragraph 1 – point 4a (new)

Regulation (EU) 2024/1735

Article 25a – paragraph 3a (new)

Text proposed by the Commission

Amendment

(4a) In Article 25a paragraph 3a is added:

3a. Where a breach of the requirements set out in this Article has

been established by a final decision of a competent authority, contracting authorities and contracting entities shall take appropriate measures in accordance with Union and national law, including exclusion from the public procurement procedure, termination of the contract, or other remedies provided for under applicable law and applicable collective agreements.

Or. en

Amendment 3842

Klara Dostalova, Jaroslava Pokorná Jermanová, Tomáš Kubín, Jaroslav Bžoch, Ondřej Knotek, Jana Nagyová, Jaroslav Knot, Anna Brylka

Proposal for a regulation

Article 34 – paragraph 1 – point 4a (new)

Regulation (EU) 2024/1735

Article 25a – paragraph 3a (new)

Text proposed by the Commission

Amendment

(4a) In Article 25a paragraph 3a is added:

3a. the contracting authority awards a public contract in a negotiated procedure without prior publication,

Or. en

Justification

The suggested wording replaces the original subparagraphs (a), (b) and (c). The exception should apply to all cases of negotiated procedures without prior publication that constitute legitimate exceptions to the obligation to award a contract through open competition. For example, in crisis situations, it is not proportionate to require the contracting authority to consider the origin of products used to address the crisis.

Amendment 3843

Pierre Juvet, Kathleen Van Brempt, Jens Geier, Javier Moreno Sánchez, Nicolás González Casares, François Kalfon, René Repasi, Jean-Marc Germain, Matthias Ecke, José Cepeda, Idoia Mendia, Ștefan Mușoiu, Marc Angel, Elena Sancho Murillo, Bruno Tobback, Elisabeth Grossmann, Raphaël Glucksmann, Niels Fuglsang, Lina Gálvez

Proposal for a regulation

Article 34 – paragraph 1 – point 4

Regulation (EU) 2024/1735

Article 25a – paragraph 4

Text proposed by the Commission

4. Contracting authorities shall require economic operators supplying products falling within the scope of this Article to submit a self-declaration, or an equivalent document, demonstrating compliance with the requirements set out in this Article.

Amendment

4. Contracting authorities ***or contracting entities*** shall require ***and verify full documentary evidence only from the tenderer to whom the contract is intended to be awarded, prior to the award of the contract. Where the intended successful tenderer fails to provide sufficient evidence or where compliance cannot be verified, the tender shall be rejected*** economic operators supplying products falling within the scope of this Article to submit a self-declaration, or an equivalent document, demonstrating compliance with the requirements set out in this Article.

At any time during the procedure, contracting authorities and contracting entities shall, where necessary on the basis of a proportionate risk assessment, require the economic operator to provide all or part of the supporting documents necessary to substantiate that self-declaration in accordance with Directive 2014/23/EU, 2014/24/EU or 2014/25/EU and shall carry out risk-based checks on the accuracy of the declarations. Self-declaration alone shall not be sufficient where a material risk of non-compliance has been identified.

Or. en

Amendment 3844

David Cormand, Anna Cavazzini, Sara Matthieu

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 34 – paragraph 1 – point 4

Text proposed by the Commission

4. Contracting authorities shall require economic operators supplying products falling within the scope of this Article **to submit** a self-declaration, or an equivalent document, demonstrating compliance with the requirements set out in this Article.

Amendment

4. Contracting authorities **or contracting entities** shall require economic operators supplying products falling within the scope of this Article, a self-declaration, or an equivalent document, demonstrating compliance with the requirements set out in this Article. ***At any time during the procedure, contracting authorities or contracting entities may require the economic operator to provide all or part of the supporting documents necessary to substantiate that self-declaration in accordance with Directive 2014/23/EU, 2014/24/EU or 2014/25/EU and carry out regular risk-based checks and check the accuracy of the declarations.***

Where a breach of the requirements set out in this Article has been established by a final decision of a competent authority, contracting authorities and contracting entities shall take appropriate measures in accordance with Union and national law, including exclusion from the procurement procedure, termination of the contract, or other remedies provided for under applicable law.

Or. en

Amendment 3845

Bart Groothuis, Nikola Minchev, Christophe Grudler, Jeannette Baljeu, Morten Løkkegaard, Sandro Gozi, Pascal Canfin, Sophie Wilmès, Benoît Cassart, Yvan Verougstraete, Brigitte van den Berg, Sigrid Friis, Karin Karlsbro, Martin Hojsík, Ľubica Karvašová, Ivars Ijabs

Proposal for a regulation

Article 34 – paragraph 1 – point 4

Regulation (EU) 2024/1735

Article 25a – paragraph 4

Text proposed by the Commission

4. Contracting authorities shall require economic operators supplying products falling within the scope of this Article to submit a self-declaration, or an equivalent document, demonstrating compliance with the requirements set out in this Article.

Amendment

4. Contracting authorities shall require economic operators supplying products falling within the scope of this Article to submit a self-declaration, or an equivalent document, demonstrating compliance with the requirements set out in this Article ***and the anti-circumvention self-assessment referred to in Article 7a of Regulation (EU) .../... [IAA].***

Contracting authorities and contracting entities shall, before awarding the contract, require the operator to submit its self-assessment. They may do so at any earlier stage of the procedure. Where the operator fails to do so, circumvention shall be deemed established.

Or. en

Justification

Aligns net-zero procurement with Article 11(4) of the IAA: partner content needs the anti-circumvention self-assessment before award.

Amendment 3846

Marina Mesure, Hanna Gedin, Rudi Kennes

Proposal for a regulation

Article 34 – paragraph 1 – point 4

Regulation (EU) 2024/1735

Article 25a – paragraph 4

Text proposed by the Commission

4. Contracting authorities shall require economic operators supplying products falling within the scope of this Article to submit ***a self-declaration, or an equivalent document***, demonstrating compliance with the requirements set out in this Article.

Amendment

4. Contracting authorities shall require economic operators supplying products falling within the scope of this Article to submit ***the relevant documents***, demonstrating compliance with the requirements set out in this Article.

Or. en

Amendment 3847

Brigitte van den Berg, Bart Groothuis

Proposal for a regulation

Article 34 – paragraph 1 – point 4a (new)

Regulation (EU) 2024/1735

Article 25a – paragraph 4a (new)

Text proposed by the Commission

Amendment

(4a) In Article 25a paragraph 4a is added:

4a. Contracting authorities and contracting entities may only decide not to apply the requirements set out in Annex II on the grounds of excessive cost as specified in paragraph 3 point c of this article if the selected economic operator can demonstrate, through a self-declaration, or an equivalent document, that it has not benefitted from any of the categories of foreign subsidies laid out in article 5 of Regulation 2022/2560. The competent authority shall verify the information provided by the economic operator.

Or. en

Amendment 3848

Bart Groothuis, Nikola Minchev, Christophe Grudler, Jeannette Baljeu, Morten Løkkegaard, Barry Andrews, Sandro Gozi, Pascal Canfin, Sophie Wilmès, Benoit Cassart, Yvan Verougstraete, Brigitte van den Berg, Sigrid Friis, Karin Karlsbro, Martin Hojsik, Ľubica Karvašová, Ivars Ijabs

Proposal for a regulation

Article 34 – paragraph 1 – point 4a (new)

Regulation (EU) 2024/1735

Article 25a – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(4a) In Article 25a paragraph 4a is added:

4a. Where circumvention is established after award, the contractor shall pay a charge of 10% to 30% of the contract value and the contract may be

terminated, as provided for in the contract conditions.

On a second or any subsequent occasion within three years, the operator and any undertaking controlled by the same beneficial owner shall be excluded from any procedure or support under Articles 25a, 26, 28a and 28c for a period of between one and three years.

Or. en

Justification

Aligns net-zero procurement in the NZIA with Article 11(4a) of the IAA.

Amendment 3849

Andrea Wechsler

Proposal for a regulation

Article 34 – paragraph 1 – point 4a (new)

Regulation (EU) 2024/1735

Article 25a – paragraph 4a (new)

Text proposed by the Commission

Amendment

(4a) In Article 25a paragraph 4a is added:

4a. This Article shall not apply to contracting authorities and contracting entities that are undertakings wholly or partly owned by public shareholders and that operate in the energy supply, network infrastructure or water sector, where the application of the requirements laid down in this Article would lead to market distortions in relation to comparable undertakings not subject to equivalent procurement requirements.

Or. en

Justification

To preserve a level playing field, undertakings wholly or partly owned by public shareholders and operating in the energy, network infrastructure or water sector should not be subject to requirements that place them at a competitive disadvantage compared with comparable

entities not subject to equivalent procurement obligations. This is particularly important where such requirements could delay or increase the cost of essential infrastructure investments.

Amendment 3850

Tomislav Sokol

Proposal for a regulation

Article 34 – paragraph 1 – point 4a (new)

Regulation (EU) 2024/1735

Article 25a – paragraph 4a (new)

Text proposed by the Commission

Amendment

(4a) In Article 25a paragraph 4a is added:

4a. Before the award of the contract, the contracting authority or contracting entity shall verify the self-declaration submitted by the successful tenderer and may require the submission of supporting documents or other evidence necessary to demonstrate compliance with the requirements set out in this Article.

Or. en

Amendment 3851

Julie Rechagneux, Aleksandar Nikolic, Mathilde Androuët, Virginie Joron, Christophe Bay, Thierry Mariani, Mélanie Disdier

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point b – paragraph 1

Regulation (EU) 2024/1735

Article 26 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

When designing auctions for net-zero technologies listed in Article 4(1), points ***(a) to (g), (i) and (j), Member states shall include:***’;

When designing auctions for net-zero technologies listed, ***Member States shall include*** in Article 4(1), points ***(b), (d), (e), (g), (h), (i), (j), (k), (n), (o), (p) and (s), of Regulation (EU) 2024/1735, nuclear fuel cycle technologies referred to in Article 4(1), point (i), of Regulation (EU) 2024/1735, and electric propulsion***

technologies for transport referred to in Article 4(1), point (r)';

Or. fr

Amendment 3852

Daniel Attard, Alex Agius Saliba

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point b

Regulation (EU) 2024/1735

Article 26 – paragraph 1 – introductory part

Text proposed by the Commission

When designing auctions for net-zero technologies listed in Article 4(1), points (a) to (g), **(i)** and (j), Member states shall include:’

Amendment

When designing auctions for net-zero technologies listed in Article 4(1), points (a) to (g), and (j), Member states shall include:’

Or. en

(See Article 25 paragraph 5 point b of the Net-Zero Industry Act Regulation (EU) 2024/1735.)

Justification

Removing battery energy storage systems from point (i) would avoid an estimated EUR 3.46 million to EUR 6.63 million in additional costs for Malta’s planned public battery storage projects. As a small, isolated market, Malta buys fewer systems and faces higher shipping, installation, and maintenance costs, with less scope to negotiate volume discounts. Applying the same Union-origin requirements as in larger markets could strain public budgets and delay the storage capacity needed to support electrification, security of supply and the energy transition.

Amendment 3853

Niels Flemming Hansen

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point b

reg/2024/1735

Article 26 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

When designing auctions for net-zero technologies listed in Article 4(1), points (a) to **(g), (i) and (j)**, Member states shall include:’

When designing auctions for net-zero technologies listed in Article 4(1), points (a) to (j), Member states shall include:’

Or. en

Justification

Lige overveje dyre regning

Amendment 3854

Marina Mesure, Rudi Kennes

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point b

Regulation (EU) 2024/1735

Article 26 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

When designing auctions for net-zero technologies listed in Article 4(1), points (a) to **(g), (i) and (j)**, Member states shall include:’

When designing auctions for net-zero technologies listed in Article 4(1), points (a) to **(d)**, Member states shall include:’

Or. en

Amendment 3855

Oihane Agirregoitia Martínez

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point b

Regulation (EU) 2024/1735

Article 26 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

When designing auctions for net-zero technologies listed in Article 4(1), points (a) to **(g), (i) and (j)**, Member states shall include:’

When designing auctions for net-zero technologies listed in Article 4(1), points (a) to (j), Member states shall include:’

Justification

It seems neither logical nor reasonable to exclude point (h) 'electricity grid technologies, including electric charging technologies for transport and technologies to digitalise the grid'. Electricity technologies are the enablers to bring decarbonized electricity from/to storage, generation, industry and homes. They are strategic and critical for EU and as such should be protected from foreign disturbances, and as long as possible should be sustainable in line with EU regulations and objectives.

Amendment 3856

Jorge Martín Frías, Hermann Tertsch, Ewa Zajączkowska-Hernik, Anna Brylka, Sebastian Kruis, Barbara Bonte

Proposal for a regulation**Article 34 – paragraph 1 – point 5 – point b**

Regulation (EU) 2024/1735

Article 26 – paragraph 1 – introductory part

Text proposed by the Commission

When designing auctions for net-zero technologies listed in Article 4(1), points (a) to **(g), (i) and** (j), Member states shall include:’

Amendment

When designing auctions for net-zero technologies listed in Article 4(1), points (a) to (j), Member states shall include:’

Justification

It seems neither logical nor reasonable to exclude point (h) 'electricity grid technologies, including electric charging technologies for transport and technologies to digitalise the grid'. Electricity technologies are the enablers to bring decarbonized electricity from/to storage, generation, industry and homes. They are strategic and critical for EU and as such should be protected from foreign disturbances, and as long as possible should be sustainable in line with EU regulations and objectives.

Amendment 3857

Pierre Jouvét, Raphaël Glucksmann, Jean-Marc Germain, François Kalfon, Christophe Clergeau

Proposal for a regulation**Article 34 – paragraph 1 – point 5 – point b**

Regulation (EU) 2024/1735

Article 26 – paragraph 1 – point a – point iv

Text proposed by the Commission

(iv) high-risk suppliers as defined in Article 2 point (39) of Regulation xxxx/xxxx [CSA2]: For auctions that include control systems, management control systems, supervisory control and data acquisition systems, remote access systems **or** firewalls, suppliers identified as high-risk suppliers in accordance with Regulation xxxx/xxxx [CSA2] shall not be involved in the following processes:

Amendment

(iv) high-risk suppliers as defined in Article 2 point (39) of Regulation xxxx/xxxx [CSA2]: For auctions that include control systems, management control systems, supervisory control and data acquisition systems, remote access systems, firewalls, ***uninterruptible power supplies, power conversion systems or energy management systems***, suppliers identified as high-risk suppliers in accordance with Regulation xxxx/xxxx [CSA2] shall not be involved in the following processes:

Or. fr

Justification

Inverters, power conversion systems and energy management systems are digital devices connected to the grid and updated remotely. They are the main cyber risk in renewable energy and energy storage installations. It is essential to exclude high-risk suppliers from these systems immediately, whilst hundreds of gigawatts are being connected to the grid, without waiting for future horizontal legislation.

Amendment 3858

Pierre Juvet, Kathleen Van Brempt, Jens Geier, Javier Moreno Sánchez, Nicolás González Casares, François Kalfon, René Repasi, Jean-Marc Germain, Matthias Ecke, José Cepeda, Idoia Mendia, Ștefan Mușoiu, Marc Angel, Elena Sancho Murillo, Bruno Tobback, Elisabeth Grossmann, Raphaël Glucksmann, Niels Fuglsang, Lina Gálvez

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point b

Regulation (EU) 2024/1735

Article 26 – paragraph 1 – point a – point iv

Text proposed by the Commission

(iv) high-risk suppliers as defined in Article 2 point (39) of Regulation xxxx/xxxx [CSA2]: For auctions that include control systems, management control systems, supervisory control and data acquisition systems, remote access systems **or** firewalls, suppliers identified as

Amendment

(iv) ‘***(iv)*** high-risk suppliers as defined in Article 2 point (39) of Regulation xxxx/xxxx [CSA2]: For auctions that include control systems, management control systems, supervisory control and data acquisition systems, remote access systems **or** firewalls, suppliers identified as

high-risk suppliers in accordance with Regulation xxxx/xxxx [CSA2] shall ***not be involved in the following processes:***

high-risk suppliers in accordance with Regulation xxxx/xxxx [CSA2] shall ***be subject to the applicable restrictions, risk-mitigation measures and other requirements laid down in that Regulation.***

Or. en

Amendment 3859

Pierre Juvet, Kathleen Van Brempt, Jens Geier, François Kalfon, René Repasi, Jean-Marc Germain, Matthias Ecke, Ștefan Mușoiu, Marc Angel, Elena Sancho Murillo, Bruno Tobback, Elisabeth Grossmann, Raphaël Glucksmann, Niels Fuglsang

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point b

Regulation (EU) 2024/1735

Article 26 – paragraph 1 – point a – point iv – point (1)

Text proposed by the Commission

Amendment

(1) *the supply of those products or systems;*

deleted

Or. en

Amendment 3860

Pierre Juvet, Kathleen Van Brempt, Jens Geier, François Kalfon, René Repasi, Jean-Marc Germain, Matthias Ecke, Ștefan Mușoiu, Marc Angel, Elena Sancho Murillo, Bruno Tobback, Elisabeth Grossmann, Raphaël Glucksmann, Niels Fuglsang

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point b

Regulation (EU) 2024/1735

Article 26 – paragraph 1 – point a – point iv – point (2)

Text proposed by the Commission

Amendment

(2) *the design, development or production of those products or systems;*

deleted

Or. en

Pierre Juvet, Kathleen Van Brempt, Jens Geier, François Kalfon, René Repasi, Jean-Marc Germain, Matthias Ecke, Ștefan Mușoiu, Marc Angel, Elena Sancho Murillo, Bruno Tobback, Elisabeth Grossmann, Raphaël Glucksmann, Niels Fuglsang

Article 26 – paragraph 1 – point a – point iv – point (3)

Amendment

(3) *the management, control or operation of those products or systems;* *deleted*

Or. en

Pierre Juvet, Kathleen Van Brempt, Jens Geier, François Kalfon, René Repasi, Jean-Marc Germain, Matthias Ecke, Ștefan Mușoiu, Marc Angel, Elena Sancho Murillo, Bruno Tobback, Elisabeth Grossmann, Raphaël Glucksmann, Niels Fuglsang

Article 26 – paragraph 1 – point a – point iv – point (4)

Amendment

(4) *the development, maintenance, operation, or updating of their software* *deleted*

Or. en

Letizia Moratti, Fulvio Martusciello, Massimiliano Salini, Salvatore De Meo

Article 26 – paragraph 2

Amendment

(ba) In Article 26 paragraph 2 is replaced by the following:

(2) ‘The auctions’ sustainability and

resilience contribution shall be based on the criteria laid down in this paragraph. Where resilience criteria relating to Union-origin content are applied, Member States may attribute additional scoring to projects demonstrating a share of Union-origin components exceeding the minimum requirements. Those criteria shall be objective, transparent and non-discriminatory’.

Auctions shall contribute to resilience, taking into account the proportion of the net-zero technology or its main specific components that originates from a third country accounting for more than 50 % of the supply of that specific net-zero technology or its main specific components within the Union.

For the purposes of the second subparagraph of this paragraph, the country of origin shall be determined in accordance with Regulation (EU) No 952/2013 of the European Parliament and of the Council. Auctions shall also contribute to at least one of the following:

(a) environmental sustainability going beyond the minimum requirements in applicable law;

(b) innovation by providing entirely new solutions or improving comparable state-of-the-art solutions;

(c) the energy system integration.

This paragraph shall not preclude Member States from using additional non-price criteria beyond those listed in this paragraph

Or. en

Amendment 3864

David Cormand, Anna Cavazzini, Sara Matthieu
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point c

Regulation (EU)2024/1735

Article 26 –paragraph 2a (new)

Text proposed by the Commission

(c) The following paragraph 2a is inserted: ‘2a. Where the auctions have net-zero technologies listed in Annex II as part of their subject-matter, Member States shall include the pre-qualification **or award** criteria laid down in Annex II.’ Criteria relating to specific main specific components shall only apply to the extent that those components are included in the final product.’;

Amendment

(c) The following paragraph 2a is inserted: ‘2a. Where the auctions have net-zero technologies listed in Annex II as part of their subject-matter, Member States shall include the pre-qualification criteria laid down in Annex II.’ Criteria relating to specific main specific components shall only apply to the extent that those components are included in the final product.’;

The following paragraph is added after the paragraph 2a.:

‘2b. For auctions referred to in Annex II, Member States shall exclude economic operators owned or controlled by an entity established in a third country in which distortive subsidies are supplied as determined under Regulation 2022/2560 of the European Parliament and of the Council on Foreign Subsidies distorting the internal market.’.

Or. en

Amendment 3865

Tomislav Sokol

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point c

Amendments to Regulation (EU) 2024/1735

Article 26 –paragraph 2a (new)

Text proposed by the Commission

(c) The following paragraph 2a is inserted: ‘2a. Where the auctions have net-zero technologies listed in Annex II as part of their subject-matter, Member States shall include the pre-qualification or award

Amendment

(c) The following paragraph 2a is inserted: ‘2a. Where the auctions have net-zero technologies listed in Annex II as part of their subject-matter, Member States shall include the pre-qualification or award

criteria laid down in Annex II.’ Criteria relating to specific main specific components shall only apply to the extent that those components are included in the final product.’;

criteria laid down in Annex II.’ ***For hydrogen technologies, the criteria laid down in Annex II shall apply as pre-qualification criteria*** Criteria relating to specific main specific components shall only apply to the extent that those components are included in the final product.’;

Or. en

Amendment 3866

Oihane Agirregoitia Martínez

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point c

Regulation (EU) 2024/1735

Article 26 – paragraph 2a (new)

Text proposed by the Commission

(c) The following paragraph 2a is inserted: ‘2a. Where the auctions have net-zero technologies listed in Annex II as part of their subject-matter, Member States shall include ***the pre-qualification or award*** criteria laid down in Annex II.’ Criteria relating to specific main specific components shall only apply to the extent that those components are included in the final product.’;

Amendment

(c) The following paragraph 2a is inserted: ‘2a. Where the auctions have net-zero technologies listed in Annex II as part of their subject-matter, Member States shall include ***criteria laid down in Annex II as*** pre-qualification criteria laid down in Annex II.’ Criteria relating to specific main specific components shall only apply to the extent that those components are included in the final product.’;

Or. en

Amendment 3867

Julie Rechagneux, Aleksandar Nikolic, Mathilde Androuët, Virginie Joron, Christophe Bay, Thierry Mariani, Mélanie Disdier

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point c

Regulation (EU) 2024/1735

Article 26 – paragraph 1 – Point c

Text proposed by the Commission

(c) the following paragraph 2a is inserted: ‘2a. Where the auctions have net-zero technologies listed in Annex II as part of their subject-matter, Member States shall include the pre-qualification or award criteria laid down in Annex II.’ Criteria relating to specific main specific components shall only apply to the extent that those components are included in the final product.’;

Amendment

(c) the following paragraph 2a is inserted: ‘2a. Where the auctions have net-zero **or low-carbon** technologies listed in Annex II as part of their subject-matter, Member States shall include the pre-qualification or award criteria laid down in Annex II. Criteria relating to specific main specific components shall only apply to the extent that those components are included in the final product.’;

Or. fr

Amendment 3868

Julie Rechagneux, Aleksandar Nikolic, Mathilde Androuët, Virginie Joron, Christophe Bay, Thierry Mariani, Mélanie Disdier

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point c a (new)

Regulation (EU) 2024/1735

Article 26 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(caa) the following paragraph 2b is inserted: ‘2b. For the auctions referred to in Annex II, Member States shall exclude economic operators who have been the subject of a Commission decision establishing, pursuant to Regulation (EU) 2022/ 2560, that they are benefiting from foreign subsidies distorting the internal market, along with operators owned or controlled, directly or indirectly, by an entity that has been the subject of such a decision, until the undertakings or remedial measures imposed by that decision have been fully implemented.’

Or. fr

Amendment 3869

Seán Kelly

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point ca (new)

Regulation 2024/1735

Article 26 – paragraph 1 – point ca (new)

Text proposed by the Commission

Amendment

(4a) In Article 26 paragraph 1 point ca is added:

(ca) The Commission shall regularly publish an assessment of the availability of relevant components and of the cost and deployment impacts associated with the application of the criteria referred to in paragraph 1. Member States should rely on this assessment when applying this paragraph. The assessment shall provide a common reference framework to ensure consistent implementation across Member States and shall not result in delays to auction procedures.

Or. en

Amendment 3870

Bart Groothuis, Nikola Minchev, Christophe Grudler, Jeannette Baljeu, Morten Løkkegaard, Barry Andrews, Sandro Gozi, Pascal Canfin, Sophie Wilmès, Benoit Cassart, Brigitte van den Berg, Karin Karlsbro, Martin Hojsík, Ľubica Karvašová, Ivars Ijabs

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point ca (new)

Regulation (EU) 2024/1735

Article 26 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

(4a) In article 26 paragraph 2b is added:

'2b. Where content is offered as equivalent to Union origin, bidders shall submit at pre-qualification the anti-circumvention self-assessment referred to in Article 7a of Regulation (EU) .../...

[IAA] and confirm it at commissioning. Where circumvention is established, the support shall be reduced or withdrawn and the guarantees lodged may be forfeited.'

Or. en

Justification

Auctions already use pre-qualification criteria and financial guarantees. The anti-circumvention self-assessment is added to that existing system. Bidders confirm it at commissioning, because sourcing can change between bid and construction.

Amendment 3871

Pierre Juvet, Kathleen Van Brempt, Jens Geier, François Kalfon, René Repasi, Jean-Marc Germain, Matthias Ecke, Ștefan Mușoiu, Marc Angel, Elena Sancho Murillo, Bruno Tobback, Elisabeth Grossmann, Raphaël Glucksmann, Niels Fuglsang

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point c

Regulation (EU) 2024/1735

Article 26 – paragraph 4

Text proposed by the Commission

Amendment

(e) paragraph 4 is replaced by the following: ‘4. Member States shall give to each of the criteria referred to in paragraphs 2 and 2a, when applied as award criteria, a minimum weight of 5 % and a combined weight of between 15 % and 30 % of the award criteria. That is without prejudice to the possibility to give a higher weighting to the criteria referred to in the fourth subparagraph of paragraph 2, in accordance with any limit for non-price criteria set out in State aid rules.’.

deleted

Or. en

Amendment 3872

Oihane Agirregoitia Martínez

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point c

Regulation (EU) 2024/1735

Article 26 – paragraph 4

Text proposed by the Commission

Amendment

(e) paragraph 4 is replaced by the following: ‘4. Member States shall give to each of the criteria referred to in paragraphs 2 and 2a, when applied as award criteria, a minimum weight of 5 % and a combined weight of between 15 % and 30 % of the award criteria. That is without prejudice to the possibility to give a higher weighting to the criteria referred to in the fourth subparagraph of paragraph 2, in accordance with any limit for non-price criteria set out in State aid rules.’.

deleted

Or. en

Amendment 3873

Marina Measure, Rudi Kennes

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point e

Regulation (EU) 2024/1735

Article 26 – paragraph 4

Text proposed by the Commission

Amendment

(e) paragraph 4 is replaced by the following: ‘4. Member States shall give to each of the criteria referred to in paragraphs 2 and 2a, when applied as award criteria, a minimum weight of 5 % and a combined weight of between 15 % and 30 % of the award criteria. That is without prejudice to the possibility to give a higher weighting to the criteria referred to in the fourth subparagraph of paragraph 2, in accordance with any limit for non-price criteria set out in State aid rules.’.

deleted

Amendment 3874

David Cormand, Anna Cavazzini, Sara Matthieu
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point e

Regulation (EU)2024/1735

Article 26 – paragraph 4

Text proposed by the Commission

Amendment

(e) paragraph 4 is replaced by the following: ‘4. Member States shall give to each of the criteria referred to in paragraphs 2 and 2a, when applied as award criteria, a minimum weight of 5 % and a combined weight of between 15 % and 30 % of the award criteria. That is without prejudice to the possibility to give a higher weighting to the criteria referred to in the fourth subparagraph of paragraph 2, in accordance with any limit for non-price criteria set out in State aid rules.’.	deleted
---	-----------------------

Amendment 3875

Julie Rechagneux, Aleksandar Nikolic, Mathilde Androuët, Virginie Joron, Christophe Bay, Thierry Mariani, Mélanie Disdier

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point e

Regulation (EU) 2024/1735

Article 26 – paragraph 4

Text proposed by the Commission

Amendment

(e) paragraph 4 is replaced by the following: ‘(4) Member States shall give to each of the criteria referred to in paragraphs 2 and 2a, when applied as award criteria, a minimum weight of 5 %	(e) paragraph 4 is replaced by the following: ‘(4) Member States shall give to each of the criteria referred to in paragraphs 2 and 2a, when applied as award criteria, a minimum weight of 10 %
---	--

and a combined weight of between **15 %** and **30 %** of the award criteria. That is without prejudice to the possibility to give a higher weighting to the criteria referred to in the fourth subparagraph of paragraph 2, in accordance with any limit for non-price criteria set out in State aid rules.’.

and a combined weight of between **30 %** and **40 %** of the award criteria. That is without prejudice to the possibility to give a higher weighting to the criteria referred to in the fourth subparagraph of paragraph 2, in accordance with any limit for non-price criteria set out in State aid rules.’.

Or. fr

Amendment 3876
Dimitris Tsiodras

Proposal for a regulation
Article 34 – paragraph 1 – point 5 – point e
Regulation (EU) 2024/1735
Article 26 – paragraph 5

Text proposed by the Commission

(f) paragraph 5 is replaced by the following: ‘5. Member States shall not be required to apply one or several of the pre-qualification and award criteria laid down in paragraph 1, points (a), (i), (ii) and (iii), **and** paragraph 1, point (b), where the application of those criteria would result in disproportionate costs or **in significant delays to the delivery of the project due to the unavailability of the required components or final products.** Estimated cost differences in excess of 20% per auction, based on objective and verifiable data, may be presumed by Member States to be disproportionate. Delays in excess of **seven** months, based on objective, transparent and verifiable data, may be presumed to be significant.’

Amendment

(f) paragraph 5 is replaced by the following:

‘5. Member States shall not be required to apply one or several of the pre-qualification and award criteria laid down in paragraph 1, points (a), (i), (ii) and (iii), paragraph 1, point (b), **and paragraph 2a** where the application **of any** of those criteria would result in **the fulfillment of any of the following conditions:**

a) Their application would result in acquiring components or products having disproportionate costs or would result in technical incompatibility in operation and maintenance. Estimated cost differences in excess of 20% per auction, based on objective and verifiable data, may be presumed by Member States to be disproportionate.

b) Their application would lead to significant delays to the delivery of the project due to the unavailability or the required components or final products. Delays in excess of six months, based on objective, transparent and verifiable data, may be presumed to be significant.

c) The required components or products can only be supplied by one specific economic operator, and no reasonable alternative or substitute exists, and the absence of competition is not the result of an artificial narrowing down of the parameters of the auction procedure.

d) No suitable tenders or no suitable requests to participate have been submitted, including in response to a similar former auction procedure launched by the Member State in the two years preceding the start of the planned new auction procedure.

Or. en

Justification

This amendment strengthens the flexibility available to Member States under Article 26(5) of the NZIA by clarifying that they are not required to apply the Union-origin requirements set out in Annex II where specific market, technical or supply-chain conditions are met. The amendment expressly includes the requirements contained in Annex II within the scope of the exemption regime applicable under Article 26(5), thereby ensuring that those requirements may be waived by Member States under the same conditions as the other pre-qualification and award criteria referred to in Article 26. Without such clarification, Member States could be required to apply Union-origin requirements even where compliance would be impossible or disproportionate, creating an inconsistency within the provision and undermining its effectiveness. This amendment also aims to ensure consistency between Article 11 of the Industrial Accelerator Act ("IAA"), Article 25a of the NZIA concerning Union-origin requirements in public procurement procedures, and Article 26(5) of the NZIA applicable to

net-zero technology auctions.

Amendment 3877

David Cormand, Anna Cavazzini, Sara Matthieu
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point f

Regulation (EU)2024/1735

Article 26 – paragraph 5

Text proposed by the Commission

(f) paragraph 5 is replaced by the following: ‘5. Member States shall not be required to apply one or several of the pre-qualification ***and award*** criteria laid down in paragraph 1, points (a), (i), (ii) and (iii), and paragraph 1, point (b), where the application of those criteria would result in disproportionate costs or in significant delays to the delivery of the project due to the unavailability of the required components or final products. Estimated cost differences ***in excess of 20% per auction***, based on objective and verifiable data, may be presumed by Member States to be disproportionate. Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.’

Amendment

(f) paragraph 5 is replaced by the following: ‘5. Member States shall not be required to apply one or several of the pre-qualification criteria laid down in paragraph 1, points (a), (i), (ii) and (iii), and paragraph 1, point (b), where the application of those criteria would result in disproportionate costs or in significant delays to the delivery of the project due to the unavailability of the required components or final products. . Estimated cost differences ***shall be*** based on objective and verifiable ***sectoral*** data, ***and*** may be presumed by Member States to be disproportionate ***in accordance with the thresholds set under the delegated act referred to in the paragraph 5a***. Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.’

The new paragraph 5(a) is inserted after paragraph 5:

‘5a. The Commission shall adopt, by [OP: Please insert the date = six months after the date of entry into force of this Regulation], a delegated act in accordance with Article 44 to specify and differentiate the cost differences referred to in Article 26 (5) by technology covered by Annex II.’

Or. en

Amendment 3878

Virgil-Daniel Popescu, Siegfried Mureşan, Daniel Buda, Dan-Ştefan Motreanu, Ioan-Rareş Bogdan, Mircea-Gheorghe Hava, Gheorghe Falcă, Iuliu Winkler, Loránt Vincze

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point f

Regulation (EU) 2024/1735

Article 26 – paragraph 5

Text proposed by the Commission

(f) paragraph 5 is replaced by the following: ‘5. Member States shall not be required to apply one or several of the pre-qualification and award criteria laid down in paragraph 1, points (a), (i), (ii) and (iii), and paragraph 1, point (b), where the application of those criteria would result in disproportionate costs or in significant delays to the delivery of the project due to the unavailability of the required components or final products. ***Estimated cost differences in excess of 20% per auction, based on objective and verifiable data, may be presumed by Member States to be*** disproportionate. Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.’

Amendment

(f) paragraph 5 is replaced by the following: ‘5. Member States shall not be required to apply one or several of the pre-qualification and award criteria laid down in paragraph 1, points (a), (i), (ii) and (iii), and paragraph 1, point (b), where the application of those criteria would result in disproportionate costs or in significant delays to the delivery of the project due to the unavailability of the required components or final products. ***A difference in price alone shall not be sufficient to establish disproportionate costs. When assessing disproportionate costs, Member States shall take into account, where relevant, life-cycle costs, security of supply, resilience, strategic dependencies and cybersecurity. A derogation on grounds of disproportionate costs shall apply only to the extent that the required Union-origin products or components cannot reasonably be supplied from existing or reasonably foreseeable Union manufacturing capacity within the delivery period concerned.*** Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.’

Or. en

Justification

The application of Union origin requirements should not be defeated solely by an initial price differential. Derogations should remain available where Union supply is genuinely unavailable, while avoiding a mechanism that could perpetuate existing strategic

dependencies

Amendment 3879

Brigitte van den Berg

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point f

Regulation (EU) 2024/1735

Article 26 – paragraph 5

Text proposed by the Commission

(f) paragraph 5 is replaced by the following: ‘5. Member States shall not be required to apply one or several of the pre-qualification and award criteria laid down in paragraph 1, points (a), (i), (ii) and (iii), and paragraph 1, point (b), where the application of those criteria would result in disproportionate costs or in significant delays to the delivery of the project due to the unavailability of the required components or final products. ***Estimated cost differences in excess of 20% per auction, based on objective and verifiable data, may be presumed by Member States to be disproportionate.*** Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.’

Amendment

(f) paragraph 5 is replaced by the following: ‘5. Member States shall not be required to apply one or several of the pre-qualification and award criteria laid down in paragraph 1, points (a), (i), (ii) and (iii), and paragraph 1, point (b), where the application of those criteria would result in disproportionate costs or in significant delays to the delivery of the project due to the unavailability of the required components or final products. Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.’

Or. en

Amendment 3880

Seán Kelly

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point f

Regulation (EU) 2024/1735

Article 26 – paragraph 5

Text proposed by the Commission

(f) paragraph 5 is replaced by the following: ‘5. Member States shall not be

Amendment

(f) paragraph 5 is replaced by the following: ‘5. Member States shall not be

required to apply one or several of the pre-qualification and award criteria laid down in paragraph 1, points (a), (i), (ii) and (iii), and paragraph 1, point (b), where the application of those criteria would result in disproportionate costs or in significant delays to the delivery of the project due to the unavailability of the required components or final products. Estimated cost differences in excess of 20% per auction, based on objective and verifiable data, may be presumed by Member States to be disproportionate. Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.’

required to apply one or several of the pre-qualification and award criteria laid down in paragraph 1, points (a), (i), (ii) and (iii), and paragraph 1, point (b), **and paragraph 2a** where the application of those criteria would result in disproportionate costs or in significant delays to the delivery of the project due to the unavailability of the required components or final products. Estimated cost differences in excess of 20% per auction, based on objective and verifiable data, may be presumed by Member States to be disproportionate. Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.’

Or. en

Justification

Article 26(1) sets generic auction criteria (business conduct, cyber security, delivery reliability, high-risk supplier exclusion) while Article 26(2a) separately mandates the technology-specific Union-origin criteria in Annex II (including BESS) whenever an auction covers a listed technology. Article 26(5)'s waiver for disproportionate costs or significant delays currently covers only paragraph 1 and not to 2a. So Member States have no clear basis to seek relief from BESS-specific criteria, unlike public procurement, where Article 25a(3) waives the equivalent Annex II obligation on the same grounds. This amendment adds paragraph 2a to the paragraph 5 waiver, aligning auctions with procurement.

Amendment 3881

Regina Doherty, Peter Agius

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point f

Regulation (EU) 2024/1735

Article 26 – paragraph 5

Text proposed by the Commission

(f) paragraph 5 is replaced by the following: ‘5. Member States shall not be required to apply one or several of the pre-qualification and award criteria laid down in paragraph 1, points (a), (i), (ii) and (iii), and paragraph 1, point (b), where the application of those criteria would result in

Amendment

(f) paragraph 5 is replaced by the following: ‘5. Member States shall not be required to apply one or several of the pre-qualification and award criteria laid down in paragraph 1, points (a), (i), (ii) and (iii), and paragraph 1, point (b), **and paragraph 2a** where the application of those criteria

disproportionate costs or in significant delays to the delivery of the project due to the unavailability of the required components or final products. Estimated cost differences in excess of 20% per auction, based on objective and verifiable data, may be presumed by Member States to be disproportionate. Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.’

would result in disproportionate costs or in significant delays to the delivery of the project due to the unavailability of the required components or final products. Estimated cost differences in excess of 20% per auction, based on objective and verifiable data, may be presumed by Member States to be disproportionate. Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.’

Or. en

Justification

Article 26(1) sets generic auction criteria while Article 26(2a) mandates the technology-specific Union-origin criteria in Annex II (including BESS) whenever an auction covers a listed technology. Article 26(5)'s waiver for disproportionate costs or significant delays currently covers only paragraph 1, not 2a. So Member States have no clear basis to seek relief from BESS-specific criteria, unlike public procurement, where Article 25a(3) waives the equivalent Annex II obligation. This amendment adds paragraph 2a to the paragraph 5 waiver, aligning auctions with procurement

Amendment 3882

Barry Cowen

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point f

Regulation (EU) 2024/1735

Article 26 – paragraph 5

Text proposed by the Commission

(f) paragraph 5 is replaced by the following: ‘5. Member States shall not be required to apply one or several of the pre-qualification and award criteria laid down in paragraph 1, points (a), (i), (ii) and (iii), and paragraph 1, point (b), where the application of those criteria would result in disproportionate costs or in significant delays to the delivery of the project due to the unavailability of the required components or final products. Estimated cost differences in excess of 20% per auction, based on objective and verifiable

Amendment

(f) paragraph 5 is replaced by the following: ‘5. Member States shall not be required to apply one or several of the pre-qualification and award criteria laid down in paragraph 1, points (a), (i), (ii) and (iii), and paragraph 1, point (b), **and paragraph 2a** where the application of those criteria would result in disproportionate costs or in significant delays to the delivery of the project due to the unavailability of the required components or final products. Estimated cost differences in excess of 20% per auction, based on objective and

data, may be presumed by Member States to be disproportionate. Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.'

verifiable data, may be presumed by Member States to be disproportionate. Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.'

Or. en

Amendment 3883

Barry Andrews, Billy Kelleher, Cynthia Ní Mhurchú, Barry Cowen

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point f

Regulation (EU) 2024/1735

Article 26 – paragraph 5

Text proposed by the Commission

(f) paragraph 5 is replaced by the following: '5. Member States shall not be required to apply one or several of the pre-qualification and award criteria laid down in paragraph 1, points (a), (i), (ii) and (iii), **and** paragraph 1, point (b), where the application of those criteria would result in disproportionate costs or in significant delays to the delivery of the project due to the unavailability of the required components or final products. Estimated cost differences in excess of 20% per auction, based on objective and verifiable data, may be presumed by Member States to be disproportionate. Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.'

Amendment

(f) paragraph 5 is replaced by the following: '5. Member States shall not be required to apply one or several of the pre-qualification and award criteria laid down in paragraph 1, points (a), (i), (ii) and (iii), paragraph 1, point (b), **and paragraph 2a**, where the application of those criteria would result in disproportionate costs or in significant delays to the delivery of the project due to the unavailability of the required components or final products. Estimated cost differences in excess of 20% per auction, based on objective and verifiable data, may be presumed by Member States to be disproportionate. Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.'

Or. en

Amendment 3884

Nikola Minchev

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point f

Text proposed by the Commission

(f) paragraph 5 is replaced by the following: ‘5. Member States shall not be required to apply one or several of the pre-qualification and award criteria laid down in paragraph 1, points (a), (i), (ii) and (iii), and paragraph 1, point (b), where the application of those criteria would result in disproportionate costs or in significant delays to the delivery of the project due to the unavailability of the required components or final products. Estimated cost differences in excess of **20%** per auction, based on objective and verifiable data, may be presumed by Member States to be disproportionate. Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.’

Amendment

(f) paragraph 5 is replaced by the following: ‘5. Member States shall not be required to apply one or several of the pre-qualification and award criteria laid down in paragraph 1, points (a), (i), (ii) and (iii), and paragraph 1, point (b), where the application of those criteria would result in disproportionate costs or in significant delays to the delivery of the project due to the unavailability of the required components or final products. Estimated cost differences in excess of **25 %** per auction, based on objective and verifiable data, may be presumed by Member States to be disproportionate. Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.’

Or. en

Amendment 3885

Julie Rechagneux, Aleksandar Nikolic, Mathilde Androuët, Virginie Joron, Christophe Bay, Thierry Mariani, Mélanie Disdier

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point f

Regulation (EU) 2024/1735

Article 26 – paragraph 5

Text proposed by the Commission

(f) paragraph 5 is replaced by the following: ‘(5) Member States shall not be required to apply one or several of the pre-qualification and award criteria laid down in paragraph 1, points (a), (i), (ii) and (iii), and paragraph 1, point (b), where the application of those criteria would result in disproportionate costs or in significant delays to the delivery of the project due to the unavailability of the required

Amendment

(f) paragraph 5 is replaced by the following: ‘(5) Member States shall not be required to apply one or several of the pre-qualification and award criteria laid down in paragraph 1, points (a), (i), (ii) and (iii), and paragraph 1, point (b), where the application of those criteria would result in disproportionate costs or in significant delays to the delivery of the project due to the unavailability of the required

components or final products. Estimated cost differences in excess of **20%** per auction, based on objective and verifiable data, may be presumed by Member States to be disproportionate. Delays in excess of **seven** months, based on objective, transparent and verifiable data, may be presumed to be significant.

components or final products. Estimated cost differences in excess of **40 %** per auction, based on objective and verifiable data, may be presumed by Member States to be disproportionate. Delays in excess of **nine** months, based on objective, transparent and verifiable data, may be presumed to be significant.'

Or. fr

Amendment 3886

Sophie Wilmès, Benoit Cassart

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point f

Regulation 2024/1735

Article 26 – paragraph 5

Text proposed by the Commission

(f) paragraph 5 is replaced by the following: '5. Member States shall not be required to apply one or several of the pre-qualification and award criteria laid down in paragraph 1, points (a), (i), (ii) and (iii), and paragraph 1, point (b), where the application of those criteria would result in disproportionate costs or in significant delays to the delivery of the project due to the unavailability of the required components or final products. Estimated cost differences in excess of **20%** per auction, based on objective and verifiable data, may be presumed by Member States to be disproportionate. Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.'

Amendment

(f) paragraph 5 is replaced by the following: '5. Member States shall not be required to apply one or several of the pre-qualification and award criteria laid down in paragraph 1, points (a), (i), (ii) and (iii), and paragraph 1, point (b), where the application of those criteria would result in disproportionate costs or in significant delays to the delivery of the project due to the unavailability of the required components or final products. Estimated cost differences in excess of **35%** per auction, based on objective and verifiable data, may be presumed by Member States to be disproportionate. Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.'

Or. en

Amendment 3887

Kamila Gasiuk-Pihowicz, Krzysztof Hetman, Borys Budka, Bogdan Andrzej Zdrojewski, Dariusz Joński, Adam Jarubas, Mirosława Nykiel, Andrzej Bula

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point f

Regulation (EU) 2024/1735

Article 26 – paragraph 3

Text proposed by the Commission

(f) paragraph 5 is replaced by the following: ‘5. Member States shall not be required to apply one or several of the pre-qualification and award criteria laid down in paragraph 1, points (a), (i), (ii) and (iii), and paragraph 1, point (b), where the application of those criteria would result in disproportionate costs or in significant delays to the delivery of the project due to the unavailability of the required components or final products. Estimated cost differences in excess of **20%** per auction, based on objective and verifiable data, may be presumed by Member States to be disproportionate. Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.’

Amendment

(f) paragraph 5 is replaced by the following: ‘5. Member States shall not be required to apply one or several of the pre-qualification and award criteria laid down in paragraph 1, points (a), (i), (ii) and (iii), and paragraph 1, point (b), where the application of those criteria would result in disproportionate costs or in significant delays to the delivery of the project due to the unavailability of the required components or final products. Estimated cost differences in excess of **15%** per auction, based on objective and verifiable data, may be presumed by Member States to be disproportionate. Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.’

Or. en

Amendment 3888

Pierre Jouvét, Kathleen Van Brempt, Jens Geier, Javier Moreno Sánchez, Nicolás González Casares, François Kalfon, René Repasi, Jean-Marc Germain, Matthias Ecke, José Cepeda, Idoia Mendia, Marc Angel, Elena Sancho Murillo, Laura Ballarín Cereza, Raphaël Glucksmann, Niels Fuglsang, Lina Gálvez

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point b – paragraph 3

Regulation (EU) 2024/1735

Article 26

Text proposed by the Commission

(f) paragraph 5 is replaced by the following: ‘5. Member States shall not be required to apply one or several of the pre-qualification and award criteria laid down in paragraph 1, points (a), (i), (ii) and (iii),

Amendment

(f) paragraph 5 is replaced by the following: ‘5. Member States shall not be required to apply one or several of the pre-qualification and award criteria laid down in paragraph 1, points (a), (i), (ii) and (iii),

and paragraph 1, point (b), where the application of those criteria would result in disproportionate costs or in significant delays to the delivery of the project due to the unavailability of the required components or final products. Estimated cost differences in excess of **20%** per auction, based on objective and verifiable data, may be presumed by Member States to be disproportionate. Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.’

and paragraph 1, point (b), where the application of those criteria would result in disproportionate costs or in significant delays to the delivery of the project due to the unavailability of the required components or final products. Estimated cost differences in excess of **40%** per auction, based on objective and verifiable data, may be presumed by Member States to be disproportionate. Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.’

Or. en

Amendment 3889

Mariateresa Vivaldini, Nicolas Bay, Giovanni Crosetto, Marion Maréchal, Daniele Polato, Carlo Fidanza, Elena Donazzan, Nicola Procaccini, Sergio Berlato, Stefano Cavedagna, Carlo Ciccio, Alessandro Ciriani, Pietro Focchi, Alberico Gambino, Chiara Gemma, Paolo Inselvini, Lara Magoni, Mario Mantovani, Giuseppe Milazzo, Denis Nesci, Michele Picaro, Ruggero Razza, Antonella Sberna, Marco Squarta, Francesco Torselli, Francesco Ventola

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point f

Regulation (EU) 2024/1735

Article 26 – paragraph 5

Text proposed by the Commission

(f) paragraph 5 is replaced by the following: ‘5. Member States shall not be required to apply one or several of the pre-qualification and award criteria laid down in paragraph 1, points (a), (i), (ii) and (iii), and paragraph 1, point (b), where the application of those criteria would result in disproportionate costs or in significant delays to the delivery of the project due to the unavailability of the required components or final products. Estimated cost differences in excess of **20%** per auction, based on objective and verifiable data, may be presumed by Member States to be disproportionate. Delays in excess of seven months, based on objective,

Amendment

(f) paragraph 5 is replaced by the following: ‘5. Member States shall not be required to apply one or several of the pre-qualification and award criteria laid down in paragraph 1, points (a), (i), (ii) and (iii), and paragraph 1, point (b), where the application of those criteria would result in disproportionate costs or in significant delays to the delivery of the project due to the unavailability of the required components or final products. Estimated cost differences in excess of **15%** per auction, based on objective and verifiable data, may be presumed by Member States to be disproportionate. Delays in excess of seven months, based on objective,

transparent and verifiable data, may be presumed to be significant.’

transparent and verifiable data, may be presumed to be significant.’

Or. en

Justification

The existing cost threshold should be maintained in order to preserve continuity and predictability in the implementation of the Net-Zero Industry Act. The derogation should also apply consistently to all relevant pre-qualification criteria.

Amendment 3890

Seán Kelly

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point f

Regulation (EU) 2024/1735

Article 26 – paragraph 5

Text proposed by the Commission

(f) paragraph 5 is replaced by the following: ‘5. Member States shall not be required to apply one or several of the pre-qualification and award criteria laid down in paragraph 1, points (a), (i), (ii) and (iii), and paragraph 1, point (b), where the application of those criteria would result in disproportionate costs or in significant delays to the delivery of the project due to the unavailability of the required components or final products. Estimated cost differences in excess of **20%** per auction, based on objective and verifiable data, may be presumed by Member States to be disproportionate. Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.’

Amendment

(f) paragraph 5 is replaced by the following: ‘5. Member States shall not be required to apply one or several of the pre-qualification and award criteria laid down in paragraph 1, points (a), (i), (ii) and (iii), and paragraph 1, point (b), where the application of those criteria would result in disproportionate costs or in significant delays to the delivery of the project due to the unavailability of the required components or final products. Estimated cost differences in excess of **15%** per auction, based on objective and verifiable data, may be presumed by Member States to be disproportionate. Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.’

Or. en

Justification

Preserves NZIA level for opt-out from applying non-price criteria based on disproportionate costs

Amendment 3891

Daniel Attard, Alex Agius Saliba

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point f

Regulation (EU) 2024/1735

Article 26 – paragraph 5

Text proposed by the Commission

(f) paragraph 5 is replaced by the following: ‘5. Member States shall not be required to apply one or several of the pre-qualification and award criteria laid down in paragraph 1, points (a), (i), (ii) and (iii), and paragraph 1, point (b), where the application of those criteria would result in disproportionate costs or in significant delays to the delivery of the project due to the unavailability of the required components or final products. Estimated cost differences in excess of **20%** per auction, based on objective and verifiable data, may be presumed by Member States to be disproportionate. Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.’

Amendment

(f) paragraph 5 is replaced by the following: ‘5. Member States shall not be required to apply one or several of the pre-qualification and award criteria laid down in paragraph 1, points (a), (i), (ii) and (iii), and paragraph 1, point (b), where the application of those criteria would result in disproportionate costs or in significant delays to the delivery of the project due to the unavailability of the required components or final products. Estimated cost differences in excess of **15%** per auction, based on objective and verifiable data, may be presumed by Member States to be disproportionate. Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.’

Or. en

(See Article 26 paragraph 5 of Regulation (EU) 2024/1735)

Justification

Keeping the 15% cost threshold would let contracting authorities respond sooner when pre-qualification and award criteria make a project too expensive. This matters especially in smaller Member States that rely heavily on imports, where extra costs can strain public budgets or delay projects. Authorities would need objective, verifiable evidence of the added cost before setting aside any criterion, so the threshold would be a targeted safeguard rather than a general exemption.

Amendment 3892

Tomislav Sokol

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point f

Amendments to Regulation (EU) 2024/1735

Article 26 – paragraph 5

Text proposed by the Commission

(f) paragraph 5 is replaced by the following: ‘5. Member States shall not be required to apply one or several of the pre-qualification and award criteria laid down in paragraph 1, points (a), (i), (ii) and (iii), and paragraph 1, point (b), where the application of those criteria would result in disproportionate costs or in significant delays to the delivery of the project due to the unavailability of the required components or final products. Estimated cost differences in excess of **20%** per auction, based on objective and verifiable data, may be presumed by Member States to be disproportionate. Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.’

Amendment

(f) paragraph 5 is replaced by the following: ‘5. Member States shall not be required to apply one or several of the pre-qualification and award criteria laid down in paragraph 1, points (a), (i), (ii) and (iii), and paragraph 1, point (b), where the application of those criteria would result in disproportionate costs or in significant delays to the delivery of the project due to the unavailability of the required components or final products. Estimated cost differences in excess of **30%** per auction, based on objective and verifiable data, may be presumed by Member States to be disproportionate. Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.’

Or. en

Amendment 3893

Bart Groothuis, Christophe Grudler, Jeannette Baljeu, Sandro Gozi, Sophie Wilmès, Benoit Cassart, Martin Hojsík, Ľubica Karvašová

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point f

Regulation 2024/1735

Article 26 – paragraph 5

Text proposed by the Commission

(f) paragraph 5 is replaced by the following: ‘5. Member States shall not be required to apply one or several of the pre-qualification and award criteria laid down in paragraph 1, points (a), (i), (ii) and (iii), and paragraph 1, point (b), where the application of those criteria would result in disproportionate costs or in significant

Amendment

(f) paragraph 5 is replaced by the following: ‘5. Member States shall not be required to apply one or several of the pre-qualification and award criteria laid down in paragraph 1, points (a), (i), (ii) and (iii), and paragraph 1, point (b), where the application of those criteria would result in disproportionate costs or in significant

delays to the delivery of the project due to the unavailability of the required components or final products. Estimated cost differences in excess of **20%** per auction, based on objective and verifiable data, may be presumed by Member States to be disproportionate. Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.'

delays to the delivery of the project due to the unavailability of the required components or final products. Estimated cost differences in excess of **40%** per auction, based on objective and verifiable data, may be presumed by Member States to be disproportionate. Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.'

Or. en

Justification

Under the NZIA, derogations for "disproportionate costs" were invoked far too easily. At 20%, Member States can too easily drop the resilience criteria in auctions. A 40% threshold keeps the derogation for real cost problems, as in procurement.

Amendment 3894

Daniel Obajtek, Anna Zalewska, Jadwiga Wiśniewska, Jacek Ozdoba

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point f

Regulation (EU) 2024/1735

Article 26 – paragraph 5

Text proposed by the Commission

(f) paragraph 5 is replaced by the following: '5. Member States shall not be required to apply one or several of the pre-qualification and award criteria laid down in paragraph 1, points (a), (i), (ii) and (iii), and paragraph 1, point (b), where the application of those criteria would result in disproportionate costs or in significant delays to the delivery of the project due to the unavailability of the required components or final products. Estimated cost differences in excess of **20%** per auction, based on objective and verifiable data, may be presumed by Member States to be disproportionate. Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.'

Amendment

(f) paragraph 5 is replaced by the following: '5. Member States shall not be required to apply one or several of the pre-qualification and award criteria laid down in paragraph 1, points (a), (i), (ii) and (iii), and paragraph 1, point (b), where the application of those criteria would result in disproportionate costs or in significant delays to the delivery of the project due to the unavailability of the required components or final products. Estimated cost differences in excess of **15%** per auction, based on objective and verifiable data, may be presumed by Member States to be disproportionate. Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.'

Justification

The proposed change by the COM to NZIA raises the threshold above which the non-price criteria may be waived: from the current 15% to 20%. The provisions on non-price criteria introduced by the NZIA have been in force since 30 December 2025 and have not yet been applied in practice, therefore it is not appropriate to change them.

Amendment 3895

Marina Measure, Rudi Kennes

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point f

Regulation (EU) 2024/1735

Article 26 – paragraph 5

Text proposed by the Commission

(f) paragraph 5 is replaced by the following: ‘5. Member States shall not be required to apply one or several of the pre-qualification and award criteria laid down in paragraph 1, points (a), (i), (ii) and (iii), and paragraph 1, point (b), where the application of those criteria would result in disproportionate costs or in significant delays to the delivery of the project due to the unavailability of the required components or final products. Estimated cost differences in excess of **20%** per auction, based on objective and verifiable data, may be presumed by Member States to be disproportionate. Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.’

Amendment

(f) paragraph 5 is replaced by the following: ‘5. Member States shall not be required to apply one or several of the pre-qualification and award criteria laid down in paragraph 1, points (a), (i), (ii) and (iii), and paragraph 1, point (b), where the application of those criteria would result in disproportionate costs or in significant delays to the delivery of the project due to the unavailability of the required components or final products. Estimated cost differences in excess of **50%** per auction, based on objective and verifiable data, may be presumed by Member States to be disproportionate. Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.’

Amendment 3896

Brigitte van den Berg, Bart Groothuis

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point fa (new)

Text proposed by the Commission

Amendment

(fa) In Article 26 paragraph 5a is added:

(5a)' Contracting authorities and contracting entities may only decide not to apply the pre-qualification and award criteria set out in Annex II on the grounds of excessive cost if the selected economic operator can demonstrate, through a self-declaration, or an equivalent document, that it has not benefitted from any of the categories of foreign subsidies laid out in article 5 of Regulation 2022/2560. The competent authority shall verify the information provided by the economic operator.'

Or. en

Amendment 3897

Tomislav Sokol

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point fa (new)

Regulation (EU) 2024/1735

Article 26 – paragraph 5a (new)

Text proposed by the Commission

Amendment

(fa) In Article 26 paragraph 5a is added:

(5a) Any decision not to apply one or several of the criteria pursuant to this paragraph shall be duly justified and documented in writing. Member States shall demonstrate, on the basis of objective, transparent and verifiable data, that the conditions for the derogation are fulfilled and shall retain the supporting evidence for the purposes of ex post verification by the Commission.

Amendment 3898
Tomislav Sokol

Proposal for a regulation
Article 34 – paragraph 1 – point 5 – point fb(new)
Regulation (EU) 2024/1735
Article 26 – paragraph 5b (new)

Text proposed by the Commission

Amendment

(fb) In Article 26 paragraph 5c is added:

(5c) For the purposes of assessing the estimated cost differences, Member States shall include capital and operating expenditure, system integration costs, electricity procurement costs, expected utilisation rate or load factor, and their impact on the levelised cost of electricity, energy or hydrogen, as applicable.

Or. en

Amendment 3899
Tomislav Sokol

Proposal for a regulation
Article 34 – paragraph 1 – point 5 – point b – paragraph 3
Regulation (EU) 2024/1735
Article 26

Text proposed by the Commission

Amendment

(fc) Paragraph 5s is added: By [OP: please insert the date = six months after the date of entry into force of this Regulation], the Commission shall publish guidance, including a common template, for the application of this paragraph. The template shall enable Member States to distinguish, on the basis of objective and verifiable data, between cost differences resulting from the

application of Union origin requirements and cost differences resulting from project design, energy procurement strategy, operating profile or other assumptions not directly linked to those requirements.”

Or. en

Amendment 3900

Svenja Hahn, Andreas Glück, Jan-Christoph Oetjen, Marie-Agnes Strack-Zimmermann, Moritz Körner

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point g

Regulation (EU) 2024/1735

Article 26 – Paragraph 7

Text proposed by the Commission

Amendment

(g) paragraph 7 is replaced by the following: ‘7. Paragraphs 1 to 5 shall apply to at least 40% of the volume auctioned per year per Member State or alternatively to at least 8 Gigawatt per year per Member State. Paragraph 1, points (a)(ii) and (iv), shall apply to 100% of the volume auctioned per Member State.’

deleted

Or. en

Justification

The share of annual net-zero technology auctions to be covered by non-price criteria should not be increased before even one NZIA auction has taken place and therefore no experience of the higher complexity of the process is available.

Amendment 3901

Letizia Moratti, Fulvio Martusciello, Massimiliano Salini, Salvatore De Meo, Marco Falcone

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point g

Regulation (EU) 2024/1735

Article 26 – paragraph 7

Text proposed by the Commission

(g) paragraph 7 is replaced by the following: ‘7. Paragraphs 1 to 5 shall apply to at least **40%** of the volume auctioned per year per Member State or alternatively to at least **8 Gigawatt per year per Member State**. Paragraph 1, points (a)(ii) and (iv), shall apply to 100% of the volume auctioned per Member State.’

Amendment

(g) paragraph 7 is replaced by the following: ‘7. Paragraphs 1 to 5 shall apply to at least **20%** of the volume auctioned per year per Member State or alternatively to at least **4 Gigawatt per year per Member State**. ***For the following two years, the minimum share or volume referred to in the first subparagraph shall increase annually by 5 % or, alternatively, by 0.5*** Gigawatt per year per Member State. Paragraph 1, points (a) (ii) and (iv), shall apply to 100% of the volume auctioned per Member State.’

Or. en

Amendment 3902

Kamila Gasiuk-Pihowicz, Krzysztof Hetman, Borys Budka, Bogdan Andrzej Zdrojewski, Dariusz Joński, Adam Jarubas, Mirosława Nykiel, Andrzej Bula

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point g

Regulation (EU) 2024/1735

Article 26 – paragraph 7

Text proposed by the Commission

(g) paragraph 7 is replaced by the following: ‘7. ***Paragraphs 1 to 5 shall apply to at least 40% of the volume auctioned per year per Member State or alternatively to at least 8 Gigawatt per year per Member State***. Paragraph 1, points (a)(ii) and (iv), shall apply to 100% of the volume auctioned per Member State.’

Amendment

(g) paragraph 7 is replaced by the following: ‘7. Paragraph 1, points (a)(ii) and (iv), shall apply to 100% of the volume auctioned per Member State.’

Or. en

Amendment 3903

Oihane Agirregoitia Martínez

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point g

Regulation (EU) 2024/1735

Article 26 paragraph 7

Text proposed by the Commission

(g) paragraph 7 is replaced by the following: ‘7. Paragraphs 1 to 5 shall apply to at least 40% of the volume auctioned per year per Member State or **alternatively** to at least **8** Gigawatt per year per Member State. Paragraph 1, points (a)(ii) and (iv), shall apply to 100% of the volume auctioned per Member State.’

Amendment

(g) paragraph 7 is replaced by the following: ‘7. Paragraphs 1 to 5 shall apply to at least 40% of the volume auctioned per year per Member State, **with that percentage applied individually to each net-zero technology auctioned**, or to at least **12** Gigawatt per year per Member State, **whichever is higher**. Paragraph 1, points (a)(ii) and (iv), shall apply to 100% of the volume auctioned per Member State.’

Or. en

Amendment 3904

Mariateresa Vivaldini, Nicolas Bay, Giovanni Crosetto, Marion Maréchal, Daniele Polato, Carlo Fidanza, Elena Donazzan, Nicola Procaccini, Sergio Berlato, Stefano Cavedagna, Carlo Ciccio, Alessandro Ciriani, Pietro Fiocchi, Alberico Gambino, Chiara Gemma, Paolo Inselvini, Lara Magoni, Mario Mantovani, Giuseppe Milazzo, Denis Nesci, Michele Picaro, Ruggero Razza, Antonella Sberna, Marco Squarta, Francesco Torselli, Francesco Ventola

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point g

Regulation (EU) 2024/1735

Article 26 – Paragraph 7

Text proposed by the Commission

(g) paragraph 7 is replaced by the following: ‘7. Paragraphs 1 to 5 shall apply to at least **40%** of the volume auctioned **per year per Member State or alternatively to at least 8 Gigawatt** per year per Member State. Paragraph 1, points (a)(ii) and (iv), shall apply to 100% of the volume auctioned per Member State.’

Amendment

(g) paragraph 7 is replaced by the following: ‘7. Paragraphs 1 to 5 shall apply to at least **30%** of the volume auctioned per year per Member State. Paragraph 1, points (a)(ii) and (iv), shall apply to 100% of the volume auctioned per Member State.’

Or. en

Justification

The share of auctioned volume subject to these requirements should remain proportionate and operational in practice. Maintaining the existing 30% threshold provides continuity with the Net-Zero Industry Act while allowing Member States to implement the additional requirements without creating excessive constraints on auction deployment.

Amendment 3905

David Cormand, Anna Cavazzini, Sara Matthieu
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point g

Regulation (EU)2024/1735

Article 26 – paragraph 7

Text proposed by the Commission

(g) paragraph 7 is replaced by the following: ‘7. Paragraphs 1 to 5 shall apply to at least **40%** of the volume auctioned per year per Member State *or alternatively to at least 8 Gigawatt per year per Member State*. Paragraph 1, points (a)(ii) and (iv), shall apply to 100% of the volume auctioned per Member State.’

Amendment

(g) paragraph 7 is replaced by the following: ‘7. Paragraphs 1 to 5 shall apply to at least **60%** of the volume auctioned per year per Member State, *applied in a balanced manner across the various technologies covered by those auctions*. Paragraph 1, points (a)(ii) and (iv), shall apply to 100% of the volume auctioned per Member State.’

Or. en

Amendment 3906

Pierre Juvet, Kathleen Van Brempt, Jens Geier, Javier Moreno Sánchez, Nicolás González Casares, François Kalfon, René Repasi, Jean-Marc Germain, Matthias Ecke, José Cepeda, Idoia Mendia, Ștefan Mușoiu, Marc Angel, Elena Sancho Murillo, Laura Ballarín Cereza, Raphaël Glucksmann, Niels Fuglsang, Lina Gálvez

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point g

Regulation (EU) 2024/1735

Article 26 – paragraph 7

Text proposed by the Commission

(g) paragraph 7 is replaced by the following: ‘7. Paragraphs 1 to 5 shall apply

Amendment

(g) paragraph 7 is replaced by the following: ‘7. Paragraphs 1 to 5 shall apply

to at least **40%** of the volume auctioned per year per Member State or alternatively to at least **8** Gigawatt per year per Member State. Paragraph 1, points (a)(ii) and (iv), shall apply to 100% of the volume auctioned per Member State.’

to at least **60%** of the volume auctioned per year per Member State or alternatively to at least **12** Gigawatt per year per Member State. Paragraph 1, points (a)(ii) and (iv), shall apply to 100% of the volume auctioned per Member State.’

Or. en

Amendment 3907

Bart Groothuis, Nikola Minchev, Christophe Grudler, Jeannette Baljeu, Sandro Gozi, Sophie Wilmès, Benoit Cassart, Sigrid Friis, Martin Hojsík, Ľubica Karvašová

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point g

Regulation 2024/1735

Article 26 – paragraph 7

Text proposed by the Commission

(g) paragraph 7 is replaced by the following: ‘7. Paragraphs 1 to 5 shall apply to at least **40%** of the volume auctioned per year per Member State or alternatively to at least **8** Gigawatt per year per Member State. Paragraph 1, points (a)(ii) and (iv), shall apply to 100% of the volume auctioned per Member State.’

Amendment

(g) paragraph 7 is replaced by the following: ‘7. Paragraphs 1 to 5 shall apply to at least **60%** of the volume auctioned per year per Member State or alternatively to at least **12** Gigawatt per year per Member State. Paragraph 1, points (a)(ii) and (iv), shall apply to 100% of the volume auctioned per Member State.’

Or. en

Justification

With coverage of 40% of volume, most auctions remain untouched by the Union origin requirements. Raising coverage to 60% strengthens the demand signal for manufacturers, while the derogations for disproportionate costs and delays remain available.

Amendment 3908

Marina Mesure, Rudi Kennes

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point g

Regulation (EU) 2024/1735

Article 26 – paragraph 7

Text proposed by the Commission

(g) paragraph 7 is replaced by the following: ‘7. Paragraphs 1 to 5 shall apply to at least **40%** of the volume auctioned per year per Member State or alternatively to at least **8** Gigawatt per year per Member State. Paragraph 1, points (a)(ii) and (iv), shall apply to 100% of the volume auctioned per Member State.’

Amendment

(g) paragraph 7 is replaced by the following: ‘7. Paragraphs 1 to 5 shall apply to at least **70%** of the volume auctioned per year per Member State or alternatively to at least **14** Gigawatt per year per Member State. Paragraph 1, points (a)(ii) and (iv), shall apply to 100% of the volume auctioned per Member State.’

Or. en

Amendment 3909

Daniel Obajtek, Anna Zalewska, Jadwiga Wiśniewska, Jacek Ozdoba

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point g

Regulation (EU) 2024/1735

Article 26 – paragraph 7

Text proposed by the Commission

(g) paragraph 7 is replaced by the following: ‘7. Paragraphs 1 to 5 shall apply to at least **40%** of the volume auctioned per year per Member State or alternatively to at least **8** Gigawatt per year per Member State. Paragraph 1, points (a)(ii) and (iv), shall apply to 100% of the volume auctioned per Member State.’

Amendment

(g) paragraph 7 is replaced by the following: ‘7. Paragraphs 1 to 5 shall apply to at least **30%** of the volume auctioned per year per Member State or alternatively to at least **6** Gigawatt per year per Member State. Paragraph 1, points (a)(ii) and (iv), shall apply to 100% of the volume auctioned per Member State.’

Or. en

Justification

The proposed change by the COM to NZIA provides for an increase in the volume of annual public renewable energy auctions to which non-price criteria apply, from the current 30% of the total volume to 40% of the total volume. The provisions on non-price criteria introduced by the NZIA have been in force since 30 December 2025 and have not yet been applied in practice, therefore it is not appropriate to change them.

Amendment 3910

Paolo Borchia, Isabella Tovaglieri, Raffaele Stancanelli, Klara Dostalova, Jana Nagyová,

Ondřej Knotek, Jaroslav Bžoch, Tomáš Kubín

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point g

Regulation (EU) 2024/1735

Article 26 – paragraph 7

Text proposed by the Commission

(g) paragraph 7 is replaced by the following: ‘7. Paragraphs 1 to 5 shall apply to at least **40%** of the volume auctioned per year per Member State or alternatively to at least **8** Gigawatt per year per Member State. Paragraph 1, points (a)(ii) and (iv), shall apply to 100% of the volume auctioned per Member State.’

Amendment

(g) paragraph 7 is replaced by the following: ‘7. Paragraphs 1 to 5 shall apply to at least **20%** of the volume auctioned per year per Member State or alternatively to at least **4** Gigawatt per year per Member State. Paragraph 1, points (a)(ii) and (iv), shall apply to 100% of the volume auctioned per Member State.’

Or. en

Justification

With EU origin strictly limited to the EU 27, the share of auction volumes covered by the EU-origin criterion should be reduced. While the introduction of an EU-origin award criterion may result in a moderate increase in procurement costs, limiting its application to a defined share of auction volumes (e.g. 20%) would preserve the overall cost-effectiveness of the auctions and avoid undermining the pace and affordability of the energy transition.

Amendment 3911

Julie Rechagneux, Aleksandar Nikolic, Mathilde Androuët, Virginie Joron, Christophe Bay, Thierry Mariani, Mélanie Disdier

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point g

Regulation (EU) 2024/1735

Article 26 – paragraph 7

Text proposed by the Commission

(g) paragraph 7 is replaced by the following: ‘(7) Paragraphs 1 to 5 shall apply to at least **40%** of the volume auctioned per year per Member State or alternatively to at least 8 Gigawatt per year per Member State. Paragraph 1, points (a)(ii) and (iv), shall apply to 100% of the volume auctioned per Member State.’

Amendment

(g) paragraph 7 is replaced by the following: ‘(7) Paragraphs 1 to 5 shall apply to at least **66 %** of the volume auctioned per year per Member State or alternatively to at least 8 Gigawatt per year per Member State. Paragraph 1, points (a)(ii) and (iv), shall apply to 100% of the volume auctioned per Member State.’

Amendment 3912

Seán Kelly

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point g

Regulation (EU) 2024/1735

Article 26 – paragraph 7

Text proposed by the Commission

(g) paragraph 7 is replaced by the following: ‘7. Paragraphs 1 to 5 shall apply to at least **40%** of the volume auctioned per year per Member State or alternatively to at least **8** Gigawatt per year per Member State. Paragraph 1, points (a)(ii) and (iv), shall apply to 100% of the volume auctioned per Member State.’

Amendment

(g) paragraph 7 is replaced by the following: ‘7. Paragraphs 1 to 5 shall apply to at least **30%** of the volume auctioned per year per Member State or alternatively to at least **6** Gigawatt per year per Member State. Paragraph 1, points (a)(ii) and (iv), shall apply to 100% of the volume auctioned per Member State.’

Or. en

Justification

The existing 30% threshold already creates a strong demand signal for European manufacturing. Increasing this share to before the NZIA has been implemented and evaluated risks increasing auction costs, reducing competition and slowing renewable deployment at a time when Europe needs to accelerate electrification and strengthen competitiveness. The threshold should remain at 30%, with the possibility of increasing it over time as manufacturing capacity expands and implementation demonstrates that higher shares can be achieved without adverse impacts on costs or deployment.

Amendment 3913

Tomislav Sokol

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point ga (new)

Regulation (EU) 2024/1735

Article 26 – paragraph 7a (new)

Text proposed by the Commission

Amendment

(ga) In Article 26 paragraph 7a is added:

“(7a) For auctions supporting the production of hydrogen through electrolysis, the Union-origin requirements laid down in Annex II, Part II, point (c), shall apply to at least 50% of the annual budget allocated by each Member State to such hydrogen auctions.

By 2030, the Commission shall review the application of this hydrogen-specific budget share and assess its impact on hydrogen deployment, Union manufacturing capacity, auction competition, costs and supply-chain resilience.

Paragraph 1, points (a)(ii) and (iv), shall apply to 100% of the volume auctioned per Member State”

Or. en

Amendment 3914

Julie Rechagneux, Aleksandar Nikolic, Mathilde Androuët, Virginie Joron, Christophe Bay, Thierry Mariani, Mélanie Disdier

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point h

Regulation (EU) 2024/1735

Article 26 – paragraph 8

Text proposed by the Commission

(h) in paragraph 8, the introductory wording is replaced by the following: ‘By 31 December 2027, the Commission shall carry out a comprehensive assessment of the application of the criteria referred to in paragraph 2 and their effect on the accelerated deployment of **renewable energy** technologies. By 31 December 2029 and every two years thereafter, the Commission shall carry out a comprehensive assessment of the application of the criteria referred to in paragraphs 2 and 2a and their effect on the accelerated deployment of **renewable energy** technologies. In particular, the

Amendment

(h) in paragraph 8, the introductory wording is replaced by the following: ‘By 31 December 2027, the Commission shall carry out a comprehensive assessment of the application of the criteria referred to in paragraph 2 and their effect on the accelerated deployment of **net-zero** technologies. By 31 December 2029 and every two years thereafter, the Commission shall carry out a comprehensive assessment of the application of the criteria referred to in paragraphs 2 and 2a and their effect on the accelerated deployment of **net-zero** technologies. In particular, the Commission shall assess the impact of the

Commission shall assess the impact of the
criteria on:’

criteria on:’

Or. fr

Amendment 3915
Dimitris Tsiodras

Proposal for a regulation
Article 34 – paragraph 1 – point 5 – point ha (new)
Regulation (E) 2024/1735
Article 26 – paragraph 8a (new)

Text proposed by the Commission

Amendment

***(ha) In Article 26 paragraph 8a is
added:***

***(8a) For auctions, the requirements and
criteria set out in this Chapter shall be
those applicable on the date of publication
of the relevant auction, in accordance
with the principles of transparency, equal
treatment and legal certainty reflected in
Commission Implementing Regulation
(EU) 2025/1176.***

***Any subsequent amendment to this
Chapter, including the adoption of
delegated acts pursuant to Article 28f, or
implementing acts adopted pursuant
thereto, shall not affect the assessment of
bids submitted in response to an auction
published before the entry into force of
that amendment. Such bids shall continue
to be assessed on the basis of the
requirements and criteria applicable on
the date of publication of the relevant
auction.***

***Nor shall any subsequent amendment to
this Chapter affect the validity,
performance or continued execution of
contracts awarded or concluded pursuant
to auctions published before the entry into
force of that amendment, including
contracts for the supply, maintenance,
repair, replacement or operation of the***

products and components concerned.

Or. en

Justification

Chapter IV of the NZIA introduces a number of requirements and criteria applicable to auctions, including Union-origin, resilience, pre-qualification and award criteria. These requirements may evolve over time through delegated acts, implementing acts and future amendments to the regulatory framework. Implementing Regulation (EU) 2025/1176 already reflects the principles of transparency, equal treatment and legal certainty that are essential to the proper functioning of auctions. Economic operators must therefore be able to rely on a stable regulatory framework from the date of publication of the relevant auction when preparing their bids, investment decisions and sourcing strategies. Projects awarded through auctions typically rely on complex international supply chains and long-term contractual arrangements covering the supply, operation, maintenance, repair, replacement and upgrading of equipment over many years. Subsequent amendments to the requirements set out in Chapter IV could otherwise affect projects that were prepared and submitted in good faith under the regulatory framework applicable when the auction was launched. It is therefore necessary to clarify that bids submitted in response to an auction are assessed on the basis of the requirements and criteria applicable on the date of publication of that auction and that subsequent amendments to Chapter IV, including delegated and implementing acts, do not affect the evaluation of such bids. This amendment is limited to auctions. Public procurement procedures remain governed by their own legal framework, including the relevant provisions of Directives 2014/23/EU, 2014/24/EU and 2014/25/EU.

Amendment 3916

Céline Imart, François-Xavier Bellamy

Proposal for a regulation

Article 34 – paragraph 1 – point 5 – point ha (new)

Regulation EU 2024/1735

Article 26 – paragraph 8a (new)

Text proposed by the Commission

Amendment

(ha) In Article 26 paragraph 8a is added:

(8a) For auctions, the requirements and criteria set out in this Chapter shall be those applicable on the date of publication of the relevant auction, in accordance with the principles of transparency, equal treatment and legal certainty reflected in Commission Implementing Regulation (EU) 2025/1176. Any subsequent amendment to this Chapter, including the

adoption of delegated acts pursuant to Article 28f, or implementing acts adopted pursuant thereto, shall not affect the assessment of bids submitted in response to an auction published before the entry into force of that amendment. Such bids shall continue to be assessed on the basis of the requirements and criteria applicable on the date of publication of the relevant auction. Nor shall any subsequent amendment to this Chapter affect the validity, performance or continued execution of contracts awarded or concluded pursuant to auctions published before the entry into force of that amendment, including contracts for the supply, maintenance, repair, replacement or operation of the products and components concerned.

Or. en

Amendment 3917

Pierre Jouvét, Kathleen Van Brempt, Jens Geier, Javier Moreno Sánchez, Nicolás González Casares, François Kalfon, René Repasi, Jean-Marc Germain, Matthias Ecke, José Cepeda, Hana Jalloul Muro, Idoia Mendia, Ștefan Mușoiu, Marc Angel, Elena Sancho Murillo, Laura Ballarín Cereza, Raphaël Glucksmann, Niels Fuglsang, Lina Gálvez

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Regulation (EU) 2024/1735

Article 28a – paragraph 1

Text proposed by the Commission

1. Without prejudice to Articles 107 and 108 TFEU, support schemes referred to in Annex II shall include the requirements laid down therein. Requirements relating to specific main specific components shall only apply to the extent that those components are included in the final product.

Amendment

1. Without prejudice to Articles 107 and 108 TFEU, support schemes referred to in Annex II shall include the requirements laid down therein *while ensuring they contribute to compliance with applicable social and labour law. Companies benefiting public support schemes or under this Regulation shall comply with social criteria aimed at creating and maintaining quality jobs. Such criteria shall include, where*

appropriate, obligations relating to site retention, employment guarantees, access to qualification and training measures, the promotion of workers' participation, investment quota in productive capacity and long-term industrial activity or the application of collective agreements. Such conditions shall respect the varieties of social dialogue in Member States and not lead to undue discrimination against certain types of companies or Member States. Where relevant, Member States shall ensure that programmes and activities contribute to strengthening collective bargaining coverage and to improving working conditions in line with the objectives of Directive (EU) 2022/2041 on adequate minimum wages.

Requirements relating to specific main specific components shall only apply to the extent that those components are included in the final product.

When designing such public support schemes benefiting companies, Member States shall include appropriate measures to prevent the relocation of manufacturing activities receiving support to outside the territory of the Union for a period of five years from the date on which the support is granted, or three years in the case of SMEs. Where a manufacturing activity receiving support relocates to outside the territory of the Union within that period, the competent authority shall recover the support granted.

Where a beneficiary materially fails to comply with commitments imposed pursuant to this Article, Member States shall take proportionate corrective measures, including, where appropriate, suspension, reduction or recovery of support. Serious, repeated or intentional non-compliance may result in temporary exclusion from public support under this Regulation.

Or. en

Amendment 3918

David Cormand, Anna Cavazzini, Sara Matthieu
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Regulation (EU)2024/1735

Article 28a – paragraph 1

Text proposed by the Commission

1. Without prejudice to Articles 107 and 108 TFEU, support schemes referred to in Annex II shall include the requirements laid down therein. Requirements relating to specific main specific components shall only apply to the extent that those components are included in the final product.

Amendment

1. Without prejudice to Articles 107 and 108 TFEU, support schemes referred to in Annex II shall include the requirements laid down therein, ***while ensuring they contribute to compliance with applicable social and labour law.*** Requirements relating to specific main specific components shall only apply to the extent that those components are included in the final product.

Or. en

Amendment 3919

Bart Groothuis, Nikola Minchev, Christophe Grudler, Jeannette Baljeu, Morten Løkkegaard, Sandro Gozi, Pascal Canfin, Sophie Wilmès, Benoit Cassart, Brigitte van den Berg, Sigrid Friis, Karin Karlsbro, Martin Hojsik, Ľubica Karvašová, Ivars Ijabs

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Regulation (EU) 2024/1735

Article 28a – paragraph 2

Text proposed by the Commission

2. When designing and implementing a scheme pursuant to paragraph 1, the authority shall assess the fulfilment of the requirements ***on the basis of an open, non-discriminatory and transparent process.***

Amendment

2. When designing and implementing a scheme pursuant to paragraph 1, the authority shall assess the fulfilment of the requirements, ***including anti-circumvention referred to in Article 7a of Regulation (EU) .../... [IAA], in accordance with the procedure laid down in Article 28(3). The anti-circumvention self-assessment shall be submitted when a***

net-zero technology final product applies to join the scheme.

Where circumvention is established after the support has been granted, the support shall be reduced or recovered in accordance with the rules of the scheme.

Or. en

Justification

NZIA support schemes already work per product: each product applies to join and the authority assesses it. The anti-circumvention check is added to that existing application, so those receiving support do not need to do anything. If circumvention comes to light after a grant, the support is reduced or recovered, as under Article 12 of the IAA.

Amendment 3920 **Tomislav Sokol**

Proposal for a regulation
Article 34 – paragraph 1 – point 6a (new)
Regulation (EU) 2024/1735
Article 28a – paragraph 2a (new)

Text proposed by the Commission

Amendment

(6a) In Article 28a paragraph 2a is added:

2a. Authorities shall require beneficiaries of support schemes referred to in paragraph 1 to provide the information and supporting evidence necessary to demonstrate compliance with the requirements laid down in Annex II. Authorities shall carry out appropriate checks to verify compliance and may require additional information or documentation where necessary.

Or. en

Amendment 3921 **Dario Tamburrano**

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Regulation (EU) 2024/1735

Article 28a – paragraph 3

Text proposed by the Commission

3. When additional financial compensation is granted, it shall not exceed **15%** of the cost of the final product for the consumer, including transport and installation costs where relevant, with the exception of schemes targeting citizens living in energy poverty, as defined in Article 2, point (1), of Regulation (EU) 2023/955 of the European Parliament and of the Council ⁽⁵⁷⁾, for which the limit shall be **20 %**.

Amendment

3. When additional financial compensation is granted, it shall not exceed **10%** of the cost of the final product for the consumer, including transport and installation costs where relevant, with the exception of schemes targeting citizens living in energy poverty, as defined in Article 2, point (1), of Regulation (EU) 2023/955 of the European Parliament and of the Council ⁽⁵⁷⁾, for which the limit shall be **12 %**.

Or. en

Amendment 3922

Annalisa Corrado

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Regulation 2024/1735

Article 28a – paragraph 3

Text proposed by the Commission

3. When additional financial compensation is granted, it shall not exceed **15%** of the cost of the final product for the consumer, including transport and installation costs where relevant, with the exception of schemes targeting citizens living in energy poverty, as defined in Article 2, point (1), of Regulation (EU) 2023/955 of the European Parliament and of the Council ⁽⁵⁷⁾, for which the limit shall be **20 %**.

Amendment

3. When additional financial compensation is granted, it shall not exceed **25%** of the cost of the final product for the consumer, including transport and installation costs where relevant, with the exception of schemes targeting citizens living in energy poverty, as defined in Article 2, point (1), of Regulation (EU) 2023/955 of the European Parliament and of the Council ⁽⁵⁷⁾, for which the limit shall be **35 %**.

Or. en

Justification

The 15% incentive for “Made in” products is insufficient, particularly as it may also cover products from partner countries. “Made in Europe” should be reserved for products genuinely manufactured in Europe and receive a stronger incentive to support EU production and investment. For citizens experiencing energy poverty, support should reach at least 35%, as upfront costs remain a key barrier to accessing efficient European technologies.

Amendment 3923

Letizia Moratti, Fulvio Martusciello, Massimiliano Salini, Salvatore De Meo

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Regulation (EU) 2024/1735

Article 28a – paragraph 3

Text proposed by the Commission

3. When additional financial compensation is granted, it shall not exceed 15% of the cost of the final product for the consumer, including transport and installation costs where relevant, with the exception of schemes targeting citizens living in energy poverty, as defined in Article 2, point (1), of Regulation (EU) 2023/955 of the European Parliament and of the Council ⁽⁵⁷⁾, for which the limit shall be **20** %.⁵⁰

⁵⁰ THIS FOOTNOTE IS MISSING.
THANK YOU FOR USING ANOTHER
LANGUAGE.

Amendment

3. When additional financial compensation is granted, it shall not exceed 15% of the cost of the final product for the consumer, including transport and installation costs where relevant, with the exception of schemes targeting citizens living in energy poverty, as defined in Article 2, point (1), of Regulation (EU) 2023/955 of the European Parliament and of the Council ⁽⁵⁷⁾, for which the limit shall be **35** %.⁵⁰

⁵⁰ THIS FOOTNOTE IS MISSING.
THANK YOU FOR USING ANOTHER
LANGUAGE.

Or. en

Amendment 3924

Mariateresa Vivaldini, Nicolas Bay, Giovanni Crosetto, Marion Maréchal, Daniele Polato, Carlo Fidanza, Elena Donazzan, Nicola Procaccini, Sergio Berlato, Stefano Cavedagna, Carlo Ciccio, Alessandro Ciriani, Pietro Fiocchi, Alberico Gambino, Chiara Gemma, Paolo Inselvini, Lara Magoni, Mario Mantovani, Giuseppe Milazzo, Denis Nesci, Michele Picaro, Ruggero Razza, Antonella Sberna, Marco Squarta, Francesco Torselli, Francesco Ventola

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Regulation (EU) 2024/1735

Article 28a – Paragraph 3

Text proposed by the Commission

3. When additional financial compensation is granted, it shall not exceed **15%** of the cost of the final product for the consumer, including transport and installation costs where relevant, with the exception of schemes targeting citizens living in energy poverty, as defined in Article 2, point (1), of Regulation (EU) 2023/955 of the European Parliament and of the Council ⁽⁵⁷⁾, for which the limit shall be **20 %**.

Amendment

3. When additional financial compensation is granted, it shall not exceed **30%** of the cost of the final product for the consumer, including transport and installation costs where relevant, with the exception of schemes targeting citizens living in energy poverty, as defined in Article 2, point (1), of Regulation (EU) 2023/955 of the European Parliament and of the Council ⁽⁵⁷⁾, for which the limit shall be **35%**

Or. en

Justification

Public support should provide a sufficient incentive for consumers to choose products meeting Union origin requirements, particularly where those products entail higher upfront costs. Greater flexibility is also necessary for schemes targeting households in energy poverty, while remaining subject to the applicable State aid framework.

Amendment 3925

Julie Rechagneux, Aleksandar Nikolic, Mathilde Androuët, Virginie Joron, Christophe Bay, Thierry Mariani, Mélanie Disdier

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Regulation (EU) 2024/1735

Article 28 a – paragraph 3

Text proposed by the Commission

3. When additional financial compensation is granted, it shall not exceed **15%** of the cost of the final product for the consumer, including transport and installation costs where relevant, with the exception of schemes targeting citizens living in energy poverty, as defined in Article 2, point (1), of Regulation (EU)

Amendment

3. When additional financial compensation is granted, it shall not exceed **30 %** of the cost of the final product for the consumer, including transport and installation costs where relevant, with the exception of schemes targeting citizens living in energy poverty, as defined in Article 2, point (1), of Regulation (EU)

2023/955 of the European Parliament and of the Council (57), for which the limit shall be **20 %**⁵⁰.

⁵⁰ THIS FOOTNOTE IS MISSING.
THANK YOU FOR USING ANOTHER
LANGUAGE.

2023/955 of the European Parliament and of the Council (57), for which the limit shall be **40 %**⁵⁰.

⁵⁰ THIS FOOTNOTE IS MISSING.
THANK YOU FOR USING ANOTHER
LANGUAGE.

Or. fr

Amendment 3926
Sandro Gozi, Christophe Grudler

Proposal for a regulation
Article 34 – paragraph 1 – point 6a (new)
Regulation (EU)2024/1735
Article28a – paragraph 3a (new)

Text proposed by the Commission

Amendment

(6a) In Article 28a paragraph 3a is added:

3a. By 2030, in all existing support schemes benefitting households or companies that support the demand for net-zero technology final products listed in this Article, Member States, regional or local authorities, bodies governed by public law or associations formed by one or more of those authorities or one or more the bodies governed by public law, shall comply with the requirements in this Annex II.

Or. en

Amendment 3927
Piotr Müller

Proposal for a regulation
Article 34 – paragraph 1 – point 6a(new)
Regulation (EU) 2024/1735
Article 28a – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(6a) In Article 28a paragraph 3a is added:

3a. Member States may decide not to apply the requirements laid down in Part III of Annex II to support schemes, or parts thereof, targeted at vulnerable households or at households in energy poverty or transport poverty within the meaning of Article 2 of Regulation (EU) 2023/955, including measures financed by the Social Climate Fund, or at the construction or renovation of social and affordable housing.

Or. en

Justification

Heat pumps, solar panels and storage are key to cutting energy bills and air pollution in low-income households. Origin requirements would raise prices for those least able to pay. As for the schemes covered by Article 12 of this Regulation, Member States should be able to exempt targeted schemes for vulnerable households and for social and affordable housing, while applying the requirements to other schemes.

Amendment 3928

Pierre Juvet, Kathleen Van Brempt, Jens Geier, François Kalfon, René Repasi, Jean-Marc Germain, Matthias Ecke, Ștefan Mușoiu, Marc Angel, Elena Sancho Murillo, Bruno Tobback, Elisabeth Grossmann, Raphaël Glucksmann, Niels Fuglsang

Proposal for a regulation

Article 34 – paragraph 1 – point 6a (new)

Regulation (EU) 2024/1735

Article 28a – paragraph 3a (new)

Text proposed by the Commission

Amendment

(6a) In Article 28a paragraph 3a is added:

3a. By 2030, in all existing support schemes benefitting households or companies that support the demand for net-zero technology final products listed in this Article, Member States, regional or local authorities, bodies governed by public law or associations formed by one

or more of those authorities or one or more the bodies governed by public law, shall comply with the requirements in this Annex II.

Or. en

Amendment 3929

Pierre Juvet, Kathleen Van Brempt, Jens Geier, François Kalfon, René Repasi, Jean-Marc Germain, Matthias Ecke, Ștefan Mușoiu, Marc Angel, Elena Sancho Murillo, Bruno Tobback, Elisabeth Grossmann, Raphaël Glucksmann, Niels Fuglsang

Proposal for a regulation

Article 34 – paragraph 1 – point 6b (new)

Regulation (EU) 2024/1735

Article 28a – paragraph 3b (new)

Text proposed by the Commission

Amendment

(6b) In article 28a paragraph 3b is added:

3b. Member States shall ensure that no public support is granted under the public support schemes referred to in Annex II to economic operators owned or controlled by an entity established in a third country that is not listed in Article 28d.

Or. en

Amendment 3930

Pierre Juvet, Kathleen Van Brempt, Jens Geier, François Kalfon, René Repasi, Jean-Marc Germain, Matthias Ecke, Ștefan Mușoiu, Marc Angel, Elena Sancho Murillo, Bruno Tobback, Elisabeth Grossmann, Raphaël Glucksmann, Niels Fuglsang

Proposal for a regulation

Article 34 – paragraph 1 – point 6c (new)

Regulation (EU) 2024/1735

Article 28a – paragraph 3c (new)

Text proposed by the Commission

Amendment

(6c) In Article 28a paragraph 3c is added:

3c. Paragraph 1a shall not apply to

economic operators holding, at the time the support is granted, a valid certificate of eligibility issued in accordance with Article 25a.

Or. en

Amendment 3931

Pierre Jouvét, Kathleen Van Brempt, Jens Geier, François Kalfon, René Repasi, Jean-Marc Germain, Matthias Ecke, Ștefan Mușoiu, Marc Angel, Elena Sancho Murillo, Bruno Tobback, Elisabeth Grossmann, Raphaël Glucksmann, Niels Fuglsang

Proposal for a regulation

Article 34 – paragraph 1 – point 6d (new)

Regulation (EU) 2024/1735

Article 28a – paragraph 3d (new)

Text proposed by the Commission

Amendment

(6c) In Article 28a paragraph 3d is added:

3d. Where the certificate referred to in paragraph 1b is withdrawn within five years of the granting of support, Member States shall recover the support in proportion to the remaining part of that period, without prejudice to the second subparagraph of paragraph 1 and to Article 18(2), point (e) of Regulation XXXX/XXXX (Industrial Accelerator Act)

.

Or. en

Amendment 3932

Virgil-Daniel Popescu, Siegfried Mureșan, Daniel Buda, Dan-Ștefan Motreanu, Ioan-Rareș Bogdan, Mircea-Gheorghe Hava, Gheorghe Falcă, Iuliu Winkler, Loránt Vincze

Proposal for a regulation

Article 34 – paragraph 1 – point 6a (new)

Regulation (EU) 2024/1735

Article 28ba (new)

(6a) The following Article 28ba is added:

Article 28ba

Security and operational control of critical energy control equipment

1. For the purposes of Articles 25a, 26, 28a and 28c, the requirements laid down in this Article shall apply to critical energy control equipment where the compromise, coordinated operation or aggregated control of such equipment could materially affect the security, stability or continuity of an energy system. In determining such impact, account shall be taken, where relevant, of the methodologies, impact criteria and aggregation principles established pursuant to Commission Delegated Regulation (EU) 2024/1366, including the possibility that equipment, entities or installations which do not individually present a material impact may do so through coordinated or aggregated operation.

2. Critical energy control equipment shall be designed, configured and operated so that no manufacturer, supplier or other third party has the unilateral technical capability to remotely start, stop, disconnect or materially modify its operation in a manner capable of materially affecting the security, stability or continuity of the energy system.

3. Remote access by a manufacturer, supplier or other third party to critical operational functions shall be subject to the effective control of the operator. Such access shall be authenticated, authorised, limited to the systems, functions and duration necessary for the authorised purpose, and appropriately logged and auditable. The operator shall have the technical capability to identify active remote access and to restrict, suspend or

immediately terminate such access where necessary. Persistent or unmanaged remote access paths capable of affecting critical operational functions shall not be permitted.

4. Software or firmware updates capable of materially affecting critical operational functions shall be deployed or activated only under the effective control of the operator or of a competent authority or trusted entity under the jurisdiction of a Member State. A manufacturer, supplier or other third party shall not have the unilateral technical capability to remotely deploy or activate such updates where this could materially affect the security, stability or continuity of the energy system. This paragraph shall be without prejudice to Regulation (EU) 2024/2847.

5. For critical energy control equipment where the compromise, coordinated operation or aggregated control of the equipment could result in a high or critical impact, appropriate risk-based security verification shall be carried out in accordance with applicable Union cybersecurity legislation. Such verification may include independent software or firmware analysis where justified by the identified risk and may rely, where appropriate, on European cybersecurity certification schemes, verification activities organised by the operator or competent authority, or other equivalent mechanisms recognised under Union law.

6. Critical energy control equipment shall maintain safe and essential local operational capability where external connectivity, manufacturer-operated or supplier-operated cloud services, remote support services or other external digital services become unavailable. The unavailability, suspension or discontinuation of such external services shall not, in itself, cause the interruption or material degradation of essential

operational functions.

7. Operators shall maintain appropriate visibility over security-relevant configurations, software and firmware versions, remote access rights and material changes affecting critical operational functions. Security-relevant remote access, material configuration changes and software or firmware updates shall be logged and auditable, where technically applicable.

8. Where remote access, cloud services, software support, firmware management or other services capable of affecting critical operational functions are provided from outside the Union, the operator and the competent authority shall assess the associated legal, jurisdictional and operational risks. Where such risks cannot be adequately mitigated, access to critical operational functions shall be restricted or prohibited.

9. The requirements of this Article shall apply irrespective of the country of establishment or origin of the manufacturer or supplier. Compliance with Union-origin requirements shall not, in itself, constitute evidence of compliance with this Article.

10. The requirements laid down in this Article shall not be waived solely on grounds of disproportionate costs.

11. The Commission may, by means of implementing acts, specify the technical and operational arrangements necessary for the application of paragraphs 2 to 8, taking into account Regulation (EU) 2024/2847, Directive (EU) 2022/2555, Regulation (EU) 2019/881 and applicable sector-specific Union cybersecurity rules. Such implementing acts shall avoid duplication of cybersecurity requirements already established under Union law and shall focus on requirements necessary to ensure effective operational control, management of third-party access and mitigation of systemic dependency risks.

The technical and operational arrangements shall be technology-neutral, proportionate to the systemic risk presented by the equipment concerned and shall take into account interoperability, cybersecurity, operational reliability and the need to avoid unnecessary disruption to existing equipment.

Or. en

Justification

The strategic dependency associated with digitally controlled energy equipment does not end when the equipment is manufactured or installed. It may continue through remote access, software and firmware management, cloud services and other external digital dependencies. For equipment capable, individually or through coordinated or aggregated control, of materially affecting the energy system, public intervention should therefore ensure that critical operational control remains effectively with the operator or another entity under Member State jurisdiction. The amendment follows a risk-based approach and builds on the existing Union cybersecurity framework. Regulation (EU) 2024/2847 establishes horizontal cybersecurity requirements for products with digital elements, Directive (EU) 2022/2555 addresses cybersecurity and supply-chain risk at entity level, and Commission Delegated Regulation (EU) 2024/1366 provides sector-specific cybersecurity impact and aggregation principles for the electricity sector. The amendment does not duplicate those rules; it addresses the additional strategic dependency created where a manufacturer, supplier or other third party retains unilateral operational control after deployment. The possibility of coordinated or aggregated effects is expressly taken into account so that equipment which is not systemically relevant on an individual basis may be assessed where common software, firmware, remote access or external services could create a material fleet-wide impact. Independent software or firmware analysis is therefore limited to cases justified by the identified systemic risk rather than imposed on every individual device.

Amendment 3933

Pierre Jouvét, Raphaël Glucksmann, Jean-Marc Germain, François Kalfon, Christophe Clergeau

Proposal for a regulation

Article 34 – paragraph 1 – point 6

2024/1735

Article 28 b – paragraph 1

Text proposed by the Commission

For support schemes within the scope of Articles 28 and 28a that include control

Amendment

For support schemes within the scope of Articles 28 and 28a that include control

systems, management control systems, supervisory control and data acquisition systems, remote access systems **or** firewalls, Member States shall design those schemes in such a way as to ensure that beneficiaries shall be eligible to the scheme only where suppliers identified as high-risk suppliers in accordance with Regulation xxxx/xxxx [CSA2] are not be involved in the following processes:

systems, management control systems, supervisory control and data acquisition systems, remote access systems, firewalls, ***uninterruptible power supplies, power conversion systems or energy management systems***, Member States shall design those schemes in such a way as to ensure that beneficiaries shall be eligible to the scheme only where suppliers identified as high-risk suppliers in accordance with Regulation xxxx/xxxx [CSA2] are not be involved in the following processes:

Or. fr

Justification

Public funds must not be used to finance installations whose critical digital components are controlled by high-risk suppliers. The scope is aligned with that of the tenders and extended to include inverters, as well as power conversion and energy management systems.

Amendment 3934

Pierre Juvet, Kathleen Van Brempt, Jens Geier, François Kalfon, René Repasi, Jean-Marc Germain, Matthias Ecke, Ștefan Mușoiu, Marc Angel, Elena Sancho Murillo, Bruno Tobback, Elisabeth Grossmann, Raphaël Glucksmann, Niels Fuglsang

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Regulation (EU) 2024/1735

Article 28b

Text proposed by the Commission

For support schemes within the scope of Articles 28 and 28a that include control systems, management control systems, supervisory control and data acquisition systems, remote access systems or firewalls, Member States shall design those schemes in such a way as to ensure that beneficiaries shall be eligible to the scheme only where suppliers identified as high-risk suppliers in accordance with Regulation xxxx/xxxx [CSA2] ***are not be involved in the following processes:***

Amendment

For support schemes within the scope of Articles 28 and 28a that include control systems, management control systems, supervisory control and data acquisition systems, remote access systems or firewalls, Member States shall design those schemes in such a way as to ensure that beneficiaries shall be eligible to the scheme only where suppliers identified as high-risk suppliers in accordance with Regulation xxxx/xxxx [CSA2] ***be subject to the applicable restrictions, risk-mitigation measures and other requirements laid down in that Regulation***

Amendment 3935
Tomislav Sokol

Proposal for a regulation
Article 34 – paragraph 1 – point 6
Regulation (EU) 2024/1735
Article 28a – paragraph 1

Text proposed by the Commission

For support schemes within the scope of Articles 28 and 28a that include control systems, management control systems, supervisory control and data acquisition systems, remote access systems or firewalls, Member States shall design those schemes in such a way as to ensure that beneficiaries shall be eligible to the scheme only where suppliers identified as high-risk suppliers in accordance with Regulation xxxx/xxxx [CSA2] are not **be** involved in the following processes:

Amendment

For support schemes within the scope of Articles 28 and 28a that include control systems, management control systems, supervisory control and data acquisition systems, remote access systems or firewalls, Member States shall design those schemes in such a way as to ensure that beneficiaries shall be eligible to the scheme only where suppliers identified as high-risk suppliers in accordance with Regulation xxxx/xxxx [CSA2] are not involved in the following processes:

Amendment 3936

Pierre Juvet, Kathleen Van Brempt, Jens Geier, François Kalfon, René Repasi, Jean-Marc Germain, Matthias Ecke, Ștefan Mușoiu, Marc Angel, Elena Sancho Murillo, Bruno Tobback, Elisabeth Grossmann, Raphaël Glucksmann, Niels Fuglsang

Proposal for a regulation
Article 34 – paragraph 1 – point 6
Regulation (EU) 2024/1735
Article 28b – paragraph 1 – point (a)

Text proposed by the Commission

(a) the supply of those products or systems;

Amendment

deleted

Amendment 3937

Pierre Juvet, Kathleen Van Brempt, Jens Geier, François Kalfon, René Repasi, Jean-Marc Germain, Matthias Ecke, Ștefan Mușoiu, Marc Angel, Elena Sancho Murillo, Bruno Tobback, Elisabeth Grossmann, Raphaël Glucksmann, Niels Fuglsang

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Regulation (EU) 2024/1735

Article 28b – paragraph 1 – point (b)

Text proposed by the Commission

Amendment

**(b) the design, development or
production of those products or systems;** *deleted*

Or. en

Amendment 3938

Pierre Juvet, Kathleen Van Brempt, Jens Geier, François Kalfon, René Repasi, Jean-Marc Germain, Matthias Ecke, Ștefan Mușoiu, Marc Angel, Elena Sancho Murillo, Bruno Tobback, Elisabeth Grossmann, Raphaël Glucksmann, Niels Fuglsang

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Regulation (EU) 2024/1735

Article 28b – paragraph 1 – point (c)

Text proposed by the Commission

Amendment

**(c) the management, control or
operation of those products or systems;** *deleted*

Or. en

Amendment 3939

Pierre Juvet, Kathleen Van Brempt, Jens Geier, François Kalfon, René Repasi, Jean-Marc Germain, Matthias Ecke, Ștefan Mușoiu, Marc Angel, Elena Sancho Murillo, Bruno Tobback, Elisabeth Grossmann, Raphaël Glucksmann, Niels Fuglsang

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Regulation (EU) 2024/1735

Article 28b – paragraph 1 – point (d)

Text proposed by the Commission

Amendment

(d) the development, maintenance, operation, or updating of their software.

deleted

Or. en

Amendment 3940

Virgil-Daniel Popescu, Siegfried Mureşan, Daniel Buda, Dan-Ştefan Motreanu, Ioan-Rareş Bogdan, Mircea-Gheorghe Hava, Gheorghe Falcă, Iuliu Winkler, Loránt Vincze

Proposal for a regulation

Article 34 – paragraph 1 – point 6a (new)

Regulation 2024/1735

Article 28b – paragraph 1a (new)

Text proposed by the Commission

Amendment

(6a) In Article 28b paragraph 1a is added:

(1a) For the purposes of this Article, involvement by a high-risk supplier shall also be deemed to exist where an undertaking established in the Union is subject, directly or indirectly, to decisive influence or effective control by a high-risk supplier. In determining whether such decisive influence or effective control exists, account shall be taken, in particular, of ownership or voting rights, representation in administrative, management or supervisory bodies, contractual arrangements, intellectual property or licensing arrangements, control over software or firmware, access to cryptographic keys, remote access rights, control over cloud-based or other external services necessary for essential operation, or other technical, contractual or legal means capable of conferring material influence over the operation, maintenance or security of the equipment concerned.

Or. en

Justification

The exclusion of high-risk suppliers should not be circumvented through an undertaking formally established in the Union where decisive influence or effective technical control remains with the high-risk supplier. The assessment should therefore cover both corporate and technical means of control, including software, firmware, remote access, cryptographic keys and dependencies on external digital services. It should also be possible to take into account relevant jurisdictional risks and the location from which critical support or operational services are provided. This complements the Union cybersecurity framework by addressing strategic and operational dependency in the context of public intervention.

Amendment 3941

Mariateresa Vivaldini, Nicolas Bay, Giovanni Crosetto, Marion Maréchal, Daniele Polato, Carlo Fidanza, Elena Donazzan, Nicola Procaccini, Sergio Berlato, Stefano Cavedagna, Carlo Ciccio, Alessandro Ciriani, Pietro Focchi, Alberico Gambino, Chiara Gemma, Paolo Inselvini, Lara Magoni, Mario Mantovani, Giuseppe Milazzo, Denis Nesci, Michele Picaro, Ruggero Razza, Antonella Sberna, Marco Squarta, Francesco Torselli, Francesco Ventola

Proposal for a regulation

Article 34 – paragraph 1 – point 6a (new)

Regulation (EU) 2024/1735

Article 28b – paragraph 1 – point (da) new

Text proposed by the Commission

Amendment

(6a) In Article 28b paragraph 1 point (da) is added:

(da) The application of the requirements laid down in this Article shall not result in unnecessary administrative burdens or unjustified additional costs. The Commission shall provide guidance specifying the minimum requirements and the methods for demonstrating compliance, relying, where appropriate, on existing and applicable European and international rules and standards.

Or. en

Justification

Restrictions concerning high-risk suppliers can strengthen the security and resilience of strategic supply chains, but their application must remain clear and proportionate. Compliance requirements should therefore rely, where possible, on existing standards and certification frameworks, avoiding unnecessary costs and administrative burdens.

Amendment 3942

Klara Dostalova, Jaroslava Pokorná Jermanová, Tomáš Kubín, Jaroslav Bžoch, Ondřej Knotek, Jana Nagyová, Jaroslav Knot, Anna Brylka

Proposal for a regulation

Article 34 – paragraph 1 – point 6a (new)

Regulation (EU) 2024/1735

Article 28b – paragraph 1a (new)

Text proposed by the Commission

Amendment

(6a) In Article 28b paragraph 1a is added:

(1a) The identification of high-risk suppliers shall be based exclusively on decisions adopted by the competent authorities pursuant to Regulation xxxx/xxxx [CSA2] and shall be made available through an official register or equivalent digital tool.

Or. en

Justification

Member States, contracting authorities and contracting entities should not be required to perform their own security assessment of suppliers. The identification of high-risk suppliers should rely exclusively on official decisions of the competent authorities.

Amendment 3943

Ondřej Krutílek

Proposal for a regulation

Article 34 – paragraph 1 – point 6a (new)

Regulation (EU) 2024/1735

Article 28b – paragraph 1a new

Text proposed by the Commission

Amendment

(6a) In Article 28b paragraph 1a is added:

(1a) The identification of high-risk suppliers shall be based exclusively on decisions adopted by the competent authorities pursuant to Regulation xxxx/xxxx [CSA2] and shall be made

available through an official register or equivalent digital tool.

Or. en

Amendment 3944

Virgil-Daniel Popescu, Siegfried Mureşan, Daniel Buda, Dan-Ştefan Motreanu, Ioan-Rareş Bogdan, Mircea-Gheorghe Hava, Gheorghe Falcă, Iuliu Winkler, Loránt Vincze

Proposal for a regulation

Article 34 – paragraph 1 – point 6a (new)

Regulation (EU) 2024/1735

Article 28b – paragraph 1a (new)

Text proposed by the Commission

Amendment

(6a) In Article 28b paragraph 1a is added:

(1a) The assessment referred to in paragraph 2 may take into account the jurisdiction applicable to the supplier or controlling entity, the location from which remote support or operational services are provided, the location and control of critical digital services and operational data, and any legal or administrative powers of a third country capable of requiring access to, or control over, the equipment, software, services or data concerned.

Or. en

Amendment 3945

Julie Rechagneux, Aleksandar Nikolic, Mathilde Androuët, Virginie Joron, Christophe Bay, Thierry Mariani, Mélanie Disdier

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Regulation (EU) 2024/1735

Article 28 c – paragraph 1

Text proposed by the Commission

Amendment

1. Without prejudice to Articles 107

1. Without prejudice to Articles 107

and 108 TFEU *and in accordance with the Union's international commitments*, when supporting the construction or manufacturing of net-zero technology final products referred to in Annex II of this Regulation, Member States shall ensure that the Union origin requirements laid down in that Annex are met. Requirements relating to specific main specific components shall only apply to the extent that those components are included in the final product.

and 108 TFEU when supporting the construction or manufacturing of net-zero *and low-carbon* technology final products referred to in Annex II of this Regulation, Member States shall ensure that the Union origin requirements laid down in that Annex are met. Requirements relating to specific main specific components shall only apply to the extent that those components are included in the final product.

Or. fr

Amendment 3946

Virgil-Daniel Popescu, Siegfried Mureşan, Daniel Buda, Dan-Ştefan Motreanu, Ioan-Rareş Bogdan, Mircea-Gheorghe Hava, Gheorghe Falcă, Iuliu Winkler, Radan Kanev, Loránt Vincze

Proposal for a regulation

Article 34 – paragraph 1 – point 6a (new)

Regulation (EU) 2024/1735

Article 28c – paragraph 1a (new)

Text proposed by the Commission

Amendment

(6a) In Article 28c paragraph 1a is added:

(1a). Without prejudice to Articles 107 and 108 TFEU and in accordance with the Union's international commitments, when providing support referred to in paragraph 1, Member States may grant temporary additional support for newly established or substantially expanded manufacturing capacity in the Union for net-zero technology final products and their main specific components referred to in Annex II, where such support is necessary to bridge an initial cost differential with equivalent non-Union production. Such support shall be proportionate, time-limited and progressively degressive and shall be conditional upon a credible pathway towards competitive production at scale in

the Union.

Or. en

Justification

New Union manufacturing capacity may initially operate at a cost disadvantage before reaching efficient scale. Temporary and degressive support can bridge this ramp-up period while preserving incentives for manufacturers to become competitive without permanent operating support

Amendment 3947

Klara Dostalova, Jaroslava Pokorná Jermanová, Tomáš Kubín, Jaroslav Bžoch, Ondřej Knotek, Jana Nagyová, Jaroslav Knot, Anna Brylka

Proposal for a regulation

Article 34 – paragraph 1 – point 6a (new)

Regulation (EU) 2024/1735

Article 28c – paragraph 1a (new)

Text proposed by the Commission

Amendment

(6a) In Article 28c paragraph 1a is added:

1a. Notwithstanding Article 28d, for the purposes of Member State support to construction and manufacturing of net-zero technologies, partner origin as defined in Article 28da shall be treated as Union origin.

Or. en

Amendment 3948

Kamila Gasiuk-Pihowicz, Krzysztof Hetman, Borys Budka, Bogdan Andrzej Zdrojewski, Dariusz Joński, Adam Jarubas, Mirosława Nykiel, Andrzej Bula

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Regulation (EU) 2024/1735

Article 28c – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) the required components can only be supplied by one specific economic

(a) the required components **would cause technical incompatibility in**

operator, and no reasonable alternative or substitute exists, and the absence of competition is not the result of an artificial narrowing down of the parameters of the public procurement procedure;

operation or maintenance or can only be supplied by one specific economic operator, and no reasonable alternative or substitute exists, and the absence of competition is not the result of an artificial narrowing down of the parameters of the public procurement procedure;

Or. en

Amendment 3949

Klara Dostalova, Jaroslava Pokorná Jermanová, Tomáš Kubín, Jaroslav Bžoch, Ondřej Knotek, Jana Nagyová, Jaroslav Knot, Anna Brylka

Proposal for a regulation

Article 34 – paragraph 1 – point 6a (new)

Regulation (EU) 2024/1735

Article 28c – paragraph 2 (aa) (new)

Text proposed by the Commission

Amendment

(6a) In Article 28c paragraph 2 point aa is added:

(aa) their application would result in disproportionate costs or technical incompatibility in operation or maintenance, including a substantial reduction in competition, insufficient availability of qualified suppliers, cybersecurity requirements, operational safety, interoperability, continuity of maintenance and long-term service support. Estimated cost differences in excess of 25%, based on objective and transparent data, may be presumed to be disproportionate; For projects relating to critical energy infrastructure, cost differences exceeding 10%, based on objective, transparent and verifiable data, may be presumed to be disproportionate.

Or. en

Justification

Critical energy infrastructure is subject to specific operational, cybersecurity,

interoperability and maintenance constraints and often relies on a limited number of qualified suppliers. Applying Union-origin requirements without taking these constraints into account could increase project costs, restrict access to technically suitable components or affect operational continuity. A specific 10% indicative threshold therefore provides a proportionate safeguard for critical infrastructure, including where additional costs would ultimately affect regulated network costs.

Amendment 3950

Matej Tonin

Proposal for a regulation

Article 34 – paragraph 1 – point 6a (new)

Regulation 2024/1735

Article 28c – paragraph 2 – point aa (new)

Text proposed by the Commission

Amendment

(6a) In Article 28c paragraph 2 point aa is added:

(aa) The required main specific components are part of broader functional systems whose engineering, procurement and construction require a unified systemic EN United in diversity EN approach;

Or. en

Justification

Contracting authorities and contracting entities in most cases rely on economic operators for the engineering, procurement and construction (EPC) of their projects. Their complex scope of work implies a systemic approach, considering (right from the design stage) the infrastructure project as a whole, whose success depends on the interoperability of various systems and components. State aid procedures already need to contend with the complexity of these projects and their contractual structures, whilst NZIA component-based rules only would be inadequate, ultimately jeopardizing the effective roll-out of such projects.

Amendment 3951

Kateřina Konečná

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Regulation (EU) 2024/1735

Article 28c – paragraph 2 – point b

Text proposed by the Commission

(b) their application would result in disproportionate costs or technical incompatibility in operation or maintenance. Estimated cost differences in excess of 25%, based on objective and transparent data, may be presumed to be disproportionate;

Amendment

(b) their application would result in disproportionate costs or technical incompatibility in operation or maintenance, ***including a substantial reduction in competition, insufficient availability of qualified suppliers, cybersecurity requirements, operational safety, interoperability, continuity of maintenance and long-term service support.*** Estimated cost differences in excess of 25%, based on objective and transparent data, may be presumed to be disproportionate; ***For projects relating to critical energy infrastructure, cost differences exceeding 10%, based on objective, transparent and verifiable data, may be presumed to be disproportionate.***

Or. en

Justification

Critical energy infrastructure is subject to specific operational, cybersecurity, interoperability and maintenance constraints and often relies on a limited number of qualified suppliers. Applying Union-origin requirements without taking these constraints into account could increase project costs, restrict access to technically suitable components or affect operational continuity.

Amendment 3952

Virgil-Daniel Popescu, Siegfried Mureşan, Daniel Buda, Dan-Ştefan Motreanu, Ioan-Rareş Bogdan, Mircea-Gheorghe Hava, Gheorghe Falcă, Iuliu Winkler, Loránt Vincze

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Regulation (EU) 2024/1735

Article 28c – paragraph 2 – point b

Text proposed by the Commission

(b) their application would result in disproportionate costs or technical incompatibility in operation or maintenance. ***Estimated cost differences in excess of 25%, based on objective and***

Amendment

(b) their application would result in disproportionate costs or technical incompatibility in operation or maintenance. ***A difference in production or acquisition cost alone shall not be***

transparent data, may be presumed to be disproportionate;

sufficient to establish disproportionate costs. In particular, an initial cost differential arising during the establishment or scaling-up of Union manufacturing capacity shall not, in itself, constitute disproportionate costs. When assessing disproportionate costs, Member States shall take into account, where relevant, life-cycle costs, security of supply, resilience and strategic dependencies

Or. en

Justification

An initial cost differential is inherent in the ramp-up of new manufacturing capacity. Treating that differential automatically as disproportionate would undermine the objective of establishing and scaling strategic manufacturing capacity in the Union.

Amendment 3953

David Cormand, Anna Cavazzini, Sara Matthieu
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Regulation (EU)2024/1735

Article 28c – paragraph 2 – point b

Text proposed by the Commission

(b) their application would result in disproportionate costs or technical incompatibility in operation or maintenance. Estimated cost differences *in excess of 25%*, based on objective and transparent data, may be presumed to be disproportionate;

Amendment

(b) their application would result in disproportionate costs or technical incompatibility in operation or maintenance. Estimated cost differences *shall be* based on objective and transparent *sectoral* data, *and* may be presumed to be disproportionate *when reaching the thresholds set under the delegated act referred to in the paragraph;*

Or. en

Amendment 3954

Julie Rechagneux, Aleksandar Nikolic, Mathilde Androuët, Virginie Joron, Christophe

Bay, Thierry Mariani, Mélanie Disdier

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Regulation (EU) 2024/1735

Article 28 c – paragraph 2 – point b

Text proposed by the Commission

(b) their application would result in disproportionate costs or technical incompatibility in operation or maintenance. Estimated cost differences in excess of **25%**, based on objective and transparent data, may be presumed to be disproportionate;

Amendment

(b) their application would result in disproportionate costs or technical incompatibility in operation or maintenance, **taking into account any additional costs associated with low-carbon production**. Estimated cost differences in excess of **40 %**, based on objective and transparent data, may be presumed to be disproportionate;

Or. fr

Amendment 3955

Tomislav Sokol

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Regulation (EU) 2024/1735

Article 28c – paragraph 2 – point b

Text proposed by the Commission

(b) their application would result in disproportionate costs or technical incompatibility in operation or maintenance. Estimated cost differences in excess of **25%**, based on objective and transparent data, may be presumed to be disproportionate;

Amendment

(b) their application would result in disproportionate costs or technical incompatibility in operation or maintenance. Estimated cost differences in excess of **35%**, based on objective and transparent data, may be presumed to be disproportionate;

Or. en

Amendment 3956

Yvan Verougstraete, Sandro Gozi, Christophe Grudler, Stéphanie Yon-Courtin

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Regulation 2024/1735

Article 28c – paragraph 2 – point b

Text proposed by the Commission

(b) their application would result in disproportionate costs or technical incompatibility in operation or maintenance. Estimated cost differences in excess of **25%**, based on objective and transparent data, may be presumed to be disproportionate;

Amendment

(b) their application would result in disproportionate costs or technical incompatibility in operation or maintenance. Estimated cost differences in excess of **40%**, based on objective and transparent data, may be presumed to be disproportionate;

Or. en

Amendment 3957

Pierre Juvet, Kathleen Van Brempt, Jens Geier, Javier Moreno Sánchez, Nicolás González Casares, François Kalfon, René Repasi, Jean-Marc Germain, Matthias Ecke, José Cepeda, Hana Jalloul Muro, Idoia Mendia, Ștefan Mușoiu, Marc Angel, Elena Sancho Murillo, Laura Ballarín Cereza, Raphaël Glucksmann, Niels Fuglsang, Lina Gálvez

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Regulation (EU) 2024/1735

Article 28c – paragraph 2 – point b

Text proposed by the Commission

(b) their application would result in disproportionate costs or technical incompatibility in operation or maintenance. Estimated cost differences in excess of **25%**, based on objective and transparent data, may be presumed to be disproportionate;

Amendment

(b) their application would result in disproportionate costs or technical incompatibility in operation or maintenance. Estimated cost differences in excess of **40%**, based on objective and transparent data, may be presumed to be disproportionate;

Or. en

Amendment 3958

Oihane Agirregoitia Martínez

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Regulation (EU)2024/1735

Article 28c paragraph 2 point b

Text proposed by the Commission

(b) their application would result in disproportionate costs or technical incompatibility in operation or maintenance. Estimated cost differences in excess of **25%**, based on objective and transparent data, may be presumed to be disproportionate;

Amendment

(b) their application would result in disproportionate costs or technical incompatibility in operation or maintenance. Estimated cost differences in excess of **40%**, based on objective and transparent data, may be presumed to be disproportionate;

Or. en

Amendment 3959

Bart Groothuis, Christophe Grudler, Jeannette Baljeu, Sandro Gozi, Sophie Wilmès, Benoit Cassart, Yvan Verougstraete, Martin Hojsík, Ľubica Karvašová

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Regulation 2024/1735

Article 28c – paragraph 2 – point b

Text proposed by the Commission

(b) their application would result in disproportionate costs or technical incompatibility in operation or maintenance. Estimated cost differences in excess of **25%**, based on objective and transparent data, may be presumed to be disproportionate;

Amendment

(b) their application would result in disproportionate costs or technical incompatibility in operation or maintenance. Estimated cost differences in excess of **40%**, based on objective and transparent data, may be presumed to be disproportionate;

Or. en

Justification

Same 40% threshold as in procurement and auctions, so that the cost derogation is only used for real cost problems.

Amendment 3960

Sophie Wilmès, Benoit Cassart

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Regulation 2024/1735

Article 28c – paragraph 2 – point b

Text proposed by the Commission

(b) their application would result in disproportionate costs or technical incompatibility in operation or maintenance. Estimated cost differences in excess of **25%**, based on objective and transparent data, may be presumed to be disproportionate;

Amendment

(b) their application would result in disproportionate costs or technical incompatibility in operation or maintenance. Estimated cost differences in excess of **35%**, based on objective and transparent data, may be presumed to be disproportionate;

Or. en

Amendment 3961

Marina Measure, Rudi Kennes

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Regulation (EU) 2024/1735

Article 28c – paragraph 2 – point b

Text proposed by the Commission

(b) their application would result in disproportionate costs or technical incompatibility in operation or maintenance. Estimated cost differences in excess of **25%**, based on objective and transparent data, may be presumed to be disproportionate;

Amendment

(b) their application would result in disproportionate costs or technical incompatibility in operation or maintenance. Estimated cost differences in excess of **40%**, based on objective and transparent data, may be presumed to be disproportionate;

Or. en

Amendment 3962

David Cormand, Anna Cavazzini, Sara Matthieu
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Text proposed by the Commission

(c) their application would jeopardise the project or lead to significant delays to the delivery of the project due to the unavailability of the required components or final products. Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.

Amendment

(c) their application would jeopardise the project or lead to significant delays to the delivery of the project due to the unavailability of the required components or final products. Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.

The Commission shall adopt, by [OP: Please insert the date = six months after the date of entry into force of this Regulation], a delegated act in accordance with Article 44 to specify and differentiate the cost differences referred to in point (c) of this paragraph by technology covered by Annex II part IV.

Or. en

Amendment 3963

Kamila Gasiuk-Pihowicz, Krzysztof Hetman, Borys Budka, Bogdan Andrzej Zdrojewski, Dariusz Joński, Adam Jarubas, Mirosława Nykiel, Andrzej Bula

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Regulation (EU) 2024/1735

Article 28c – paragraph 2 – point c

Text proposed by the Commission

(c) their application would jeopardise the project or lead to significant delays to the delivery of the project due to the unavailability of the required components or final products. Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.

Amendment

(c) their application would jeopardise the project or lead to significant delays to the delivery of the project due to the unavailability of the required components or final products. Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant. ***Delays below that threshold may also be considered significant where they would materially affect the financing, tendering, commissioning,***

permitting or delivery schedule of a project of strategic importance for energy security, security of supply, industrial decarbonisation or system resilience.

Or. en

Amendment 3964
Kateřina Konečná

Proposal for a regulation
Article 34 – paragraph 1 – point 6
Regulation (EU) 2024/1735
Article 28c – paragraph 2 – point c

Text proposed by the Commission

(c) their application would jeopardise the project or lead to significant delays to the delivery of the project due to the unavailability of the required components or final products. Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.

Amendment

(c) their application would jeopardise the project or lead to significant delays to the delivery of the project due to the unavailability of the required components or final products. Delays in excess of **three months for projects relating to critical energy infrastructure and** seven months **in other cases**, based on objective, transparent and verifiable data, may be presumed to be significant.

Or. en

Justification

Critical energy infrastructure projects are closely linked to security of supply and the reliable operation of interconnected systems. Delays of several months may therefore have effects beyond the individual project. A three-month indicative period is justified for such infrastructure, while the seven-month threshold remains applicable to projects where the systemic consequences of delay are less immediate.

Amendment 3965
Klara Dostalova, Jaroslava Pokorná Jermanová, Tomáš Kubín, Jaroslav Bžoch, Ondřej Knotek, Jana Nagyová, Jaroslav Knot, Anna Brylka, Enikő Győri, András Gyürk, Ernő Schaller-Baross, András László

Proposal for a regulation
Article 34 – paragraph 1 – point 6

Text proposed by the Commission

(c) their application would jeopardise the project or lead to significant delays to the delivery of the project due to the unavailability of the required components or final products. Delays ***in excess of*** seven months, based on objective, ***transparent and verifiable*** data, may be presumed to be significant.

Amendment

(c) their application would jeopardise the project or lead to significant delays to the delivery of the project due to the unavailability of the required components or final products. Delays ***exceeding three months for projects relating to critical energy infrastructure, and*** seven months ***in other cases*** based on objective data, may be presumed to be significant.

Or. en

Amendment 3966

Dirk Gotink, Wouter Beke, Pascal Arimont, Christian Ehler, Willemien Koning, Markus Ferber, Sabine Verheyen, Monika Hohlmeier, Christian Doleschal, Norbert Herhammer, Verena Mertens, Andrea Wechsler, Henrik Dahl, Martine Kemp, Andreas Schwab, Jörgen Warborn, Oliver Schenk, Hildegard Bentele, Rasa Juknevičienė, Regina Doherty, Norbert Lins, Borys Budka, Mirosława Nykiel, Krzysztof Hetman, Andrzej Buła, Dariusz Joński, Bogdan Andrzej Zdrojewski, Adam Jarubas, Kamila Gasiuk-Pihowicz, Dóra Dávid, Eszter Lakos, Angelika Niebler

Proposal for a regulation

Article 34 – paragraph 1 – point 6a (new)

Amendments to Regulation (EU) 2024/1735

Article 28c – paragraph 2 – point ca (new)

Text proposed by the Commission

Amendment

(6a) In Article 28c paragraph 2 point ca is added:

(ca) Their application would affect national security of the Union, or one or several Member States.

Or. en

Amendment 3967

Dirk Gotink, Wouter Beke, Pascal Arimont, Christian Ehler, Willemien Koning, Markus Ferber, Sabine Verheyen, Monika Hohlmeier, Christian Doleschal, Norbert

Herhammer, Verena Mertens, Andrea Wechsler, Henrik Dahl, Martine Kemp, Andreas Schwab, Jörgen Warborn, Hildegard Bentele, Rasa Juknevičienė, Regina Doherty, Norbert Lins, Oliver Schenk, Borys Budka, Mirosława Nykiel, Krzysztof Hetman, Andrzej Buła, Dariusz Joński, Bogdan Andrzej Zdrojewski, Adam Jarubas, Kamila Gasiuk-Pihowicz, Dóra Dávid, Eszter Lakos, Angelika Niebler

Proposal for a regulation

Article 34 – paragraph 1 – point 6b (new)

Amendments to Regulation (EU) 2024/1735

Article 28c – paragraph 2 – point cb (new)

Text proposed by the Commission

Amendment

(6b) In Article 28c paragraph 2 point cb is added:

(cb) Their application would result in a material delay to the implementation of the project, or would otherwise threaten the security of supply in the Union of the products in question, in particular where this would adversely affect system reliability or the timely delivery of critical infrastructure.

Or. en

Amendment 3968

Tomislav Sokol

Proposal for a regulation

Article 34 – paragraph 1 – point 6a (new)

Regulation (EU) 2024/1735

Article 28c – paragraph 2a (new)

Text proposed by the Commission

Amendment

(6a) In Article 28c paragraph 2a is added:

2a. Any decision to make use of a derogation under paragraph 2 shall be duly justified and documented in writing by the Member State concerned. The justification shall be based on objective, transparent and verifiable data and shall be accompanied by the supporting evidence necessary to demonstrate that the conditions for the relevant derogation

are fulfilled.

Or. en

Amendment 3969

Klara Dostalova, Jaroslava Pokorná Jermanová, Tomáš Kubín, Jaroslav Bžoch, Ondřej Knotek, Jana Nagyová, Jaroslav Knot, Anna Brylka

Proposal for a regulation

Article 34 – paragraph 1 – point 6a (new)

Regulation (EU) 2024/1735

Article 28c – paragraph 2a (new)

Text proposed by the Commission

Amendment

(6a) In Article 28c paragraph 2a is added:

2a. When applying Union-origin requirements under this Article, Member States shall take into account the need to preserve diversified, resilient and secure supply chains, including cooperation with trusted partner countries with which the Union has concluded free trade agreements or customs unions.

Or. en

Amendment 3970

Pierre Juvet, Raphaël Glucksmann, Jean-Marc Germain, François Kalfon, Christophe Clergeau

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Regulation (EU) 2024/1735

Article 28 c – paragraph 3

Text proposed by the Commission

Amendment

3. Without prejudice to Articles 107 and 108 TFEU and in accordance with the Union's international commitments, when supporting the manufacturing of net-zero technology final products referred to in Annex II of this Regulation and that

3. Without prejudice to Articles 107 and 108 TFEU and in accordance with the Union's international commitments, when supporting the manufacturing of net-zero technology final products referred to in Annex II of this Regulation and that

include control systems, management control systems, supervisory control and data acquisition systems, remote access systems **or** firewalls, Member States shall ensure that suppliers identified as high-risk suppliers in accordance with Regulation xxxx/xxxx [CSA2] are not involved in the following processes:

include control systems, management control systems, supervisory control and data acquisition systems, remote access systems, firewalls, ***uninterruptible power supplies, power conversion systems or energy management systems***, Member States shall ensure that suppliers identified as high-risk suppliers in accordance with Regulation xxxx/xxxx [CSA2] are not involved in the following processes:

Or. fr

Justification

Alignment with Articles 26 and 28b: the same critical digital systems are covered, regardless of the form of public intervention.

Amendment 3971

Pierre Juvet, Kathleen Van Brempt, Jens Geier, François Kalfon, René Repasi, Jean-Marc Germain, Matthias Ecke, Ștefan Mușoiu, Marc Angel, Elena Sancho Murillo, Bruno Tobback, Elisabeth Grossmann, Raphaël Glucksmann, Niels Fuglsang

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Regulation (EU) 2024/1735

Article 28c – paragraph 3

Text proposed by the Commission

3. Without prejudice to Articles 107 and 108 TFEU and in accordance with the Union's international commitments, when supporting the manufacturing of net-zero technology final products referred to in Annex II of this Regulation and that include control systems, management control systems, supervisory control and data acquisition systems, remote access systems or firewalls, Member States shall ensure that suppliers identified as high-risk suppliers in accordance with Regulation xxxx/xxxx [CSA2] ***are not involved in the following processes:***

Amendment

3. Without prejudice to Articles 107 and 108 TFEU and in accordance with the Union's international commitments, when supporting the manufacturing of net-zero technology final products referred to in Annex II of this Regulation and that include control systems, management control systems, supervisory control and data acquisition systems, remote access systems or firewalls, Member States shall ensure that suppliers identified as high-risk suppliers in accordance with Regulation xxxx/xxxx [CSA2] ***be subject to the applicable restrictions, risk-mitigation measures and other requirements laid down in that Regulation***

Amendment 3972

Julie Rechagneux, Aleksandar Nikolic, Mathilde Androuët, Virginie Joron, Christophe Bay, Thierry Mariani, Mélanie Disdier

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Regulation (EU) 2024/1735

Article 28 c – paragraph 3

Text proposed by the Commission

3. Without prejudice to Articles 107 and 108 TFEU ***and in accordance with the Union's international commitments***, when supporting the manufacturing of net-zero technology final products referred to in Annex II of this Regulation and that include control systems, management control systems, supervisory control and data acquisition systems, remote access systems or firewalls, Member States shall ensure that suppliers identified as high-risk suppliers in accordance with Regulation xxxx/xxxx [CSA2] are not involved in the following processes:

Amendment

3. Without prejudice to Articles 107 and 108 TFEU, when supporting the manufacturing of net-zero ***and low-carbon*** technology final products referred to in Annex II of this Regulation and that include control systems, management control systems, supervisory control and data acquisition systems, remote access systems or firewalls, Member States shall ensure that suppliers identified as high-risk suppliers in accordance with Regulation xxxx/xxxx [CSA2] are not involved in the following processes:

Or. fr

Amendment 3973

Pierre Juvet, Kathleen Van Brempt, Jens Geier, François Kalfon, René Repasi, Jean-Marc Germain, Matthias Ecke, Ștefan Mușoiu, Marc Angel, Elena Sancho Murillo, Bruno Tobback, Elisabeth Grossmann, Raphaël Glucksmann, Niels Fuglsang

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Regulation (EU) 2024/1735

Article 28c – paragraph 3 – point a

Text proposed by the Commission

(a) the supply of those products or systems;

Amendment

deleted

Amendment 3974

Pierre Juvet, Kathleen Van Brempt, Jens Geier, François Kalfon, René Repasi, Jean-Marc Germain, Matthias Ecke, Ștefan Mușoiu, Marc Angel, Elena Sancho Murillo, Bruno Tobback, Elisabeth Grossmann, Raphaël Glucksmann, Niels Fuglsang

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Regulation (EU) 2024/1735

Article 28c – paragraph 3 – point b

Text proposed by the Commission

Amendment

**(b) the design, development or
production of those products or systems;** *deleted*

Amendment 3975

Pierre Juvet, Kathleen Van Brempt, Jens Geier, François Kalfon, René Repasi, Jean-Marc Germain, Matthias Ecke, Ștefan Mușoiu, Marc Angel, Elena Sancho Murillo, Bruno Tobback, Elisabeth Grossmann, Raphaël Glucksmann, Niels Fuglsang

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Regulation (EU) 2024/1735

Article 28c – paragraph 3 – point c

Text proposed by the Commission

Amendment

**(c) the management, control or
operation of those products or systems;** *deleted*

Amendment 3976

Pierre Juvet, Kathleen Van Brempt, Jens Geier, François Kalfon, René Repasi, Jean-Marc Germain, Matthias Ecke, Ștefan Mușoiu, Marc Angel, Elena Sancho Murillo, Bruno Tobback, Elisabeth Grossmann, Raphaël Glucksmann, Niels Fuglsang

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Regulation (EU) 2024/1735
Article 28c – paragraph 3 – point d

Text proposed by the Commission

Amendment

(d) the development, maintenance, operation, or updating of their software.

deleted

Or. en

Amendment 3977
Eszter Lakos, Dóra Dávid

Proposal for a regulation
Article 34 – paragraph 1 – point 6a (new)
Regulation EU 2024/1735
Article 28da (new)

Text proposed by the Commission

Amendment

(6a) The following article is inserted:

Article 28da

1. For the purposes of Articles 25a, 26, 28a, and 28c, content of Partner Country origin refers to content originating in:

(a) a third country that is Party to the GPA, provided that the procurement of the product in question falls within the scope of covered procurement under the Union's Appendix I to the GPA, taking into account the applicable Annexes;

(b) a third country with which the Union has concluded an agreement establishing a free trade area or a customs union, under the conditions laid down in that agreement, provided relevant obligations of the Union exist under the agreement for the product in question.

2. The Commission shall adopt implementing acts in accordance with Article 45(2) to establish and maintain the lists of third countries that provide content of partner origin. In preparing those implementing acts the Commission

shall assess the implementation of the agreements set out in paragraph 1, on the basis of the following criteria:

(a) addition or removal of a third country is justified where that third country has provided or failed to provide national treatment related to Union products or entities under the agreements referred to in paragraph 1 in relation to any of the net-zero technologies listed in Article 4, point (1);

(b) addition or removal of a third country is justified to avoid high-risk dependencies or any other developments that are likely to threaten the security of supply in the Union of the products in question;

(c) removal of a third country is justified under any other exception under the applicable agreement. The implementing acts shall align with the dispute settlement procedures under the relevant agreements concluded between the Union and a third country establishing a free trade area or a customs union.

3. The Commission shall subsequently amend the lists of countries if required, through additional implementing acts in accordance with Article 45(2), where a third country becomes a party to an existing agreement or concludes a new agreement falling within the categories of agreements listed in paragraph 1 and/or an amendment is justified by an assessment of the criteria set out in paragraph 2.

4. Those implementing acts shall set out the procedure for the regular monitoring of the criteria set out in paragraphs 2 and 3. The first implementing act that establishes the lists of countries that provide content of partner origin shall be adopted within [OP: Please insert the date = 6 months after entry into force of this Regulation].

Justification

We add the definition of Partner Countries to create a list of safe nuclear technology partners.

Amendment 3978

Klara Dostalova, Jaroslava Pokorná Jermanová, Tomáš Kubín, Jaroslav Bžoch, Ondřej Knotek, Jana Nagyová, Jaroslav Knot, Anna Brylka

Proposal for a regulation**Article 34 – paragraph 1 – point 6a (new)**

Regulation (EU) 2024/1735

Article 28 (da new)

Text proposed by the Commission

Amendment

(6a) The following article is inserted:

Article 28da***Partner origin***

1. For the purposes of Articles 25a, 26, 28a and 28c, content of partner origin refers to content originating in:

(a) a third country that is Party to the Agreement on Government Procurement, provided that the procurement of the product in question falls within the scope of covered procurement under the Union's Appendix I to the Agreement on Government Procurement, taking into account the applicable Annexes;

(b) a third country with which the Union has concluded an agreement establishing a free trade area or a customs union, under the conditions laid down in that agreement, provided relevant obligations of the Union exist under the agreement for the product in question.

2. The origin of products and components shall be determined in accordance with Article 60 of Regulation (EU) No 952/2013 of the European Parliament and

of the Council.

Or. en

Justification

A consistent partner-origin framework is necessary across the Union-origin provisions applicable to strategic investment and Member State support. Extending this treatment to Article 28c reduces uncertainty for project developers and public authorities and avoids unnecessarily restricting established supply chains where relevant international obligations apply.

Amendment 3979

Paolo Borchia, Isabella Tovaglieri, Raffaele Stancanelli, Anna Brylka, Klara Dostalova, Jana Nagyová, Ondřej Knotek, Jaroslav Bžoch, Tomáš Kubín

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Regulation (EU) 2024/1735

Article 28d – title

Text proposed by the Commission

Union origin

Amendment

Union origin *in public procurement and other forms of public intervention*

Or. en

Amendment 3980

Paolo Borchia, Isabella Tovaglieri, Raffaele Stancanelli, Anna Brylka, Klara Dostalova, Jana Nagyová, Ondřej Knotek, Jaroslav Bžoch, Tomáš Kubín

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Regulation 2024/1735

Article 28d – paragraph 1

Text proposed by the Commission

1. For the purposes of Articles 25a, 26 and 28a and 28c, content of Union origin refers to content originating in the Union.

Amendment

1. For the purposes of Articles 25a, 26 and 28a and 28c, content of Union origin refers to content originating in the Union *under Article 7 of [Proposal for a Regulation on establishing a framework of measures for accelerating industrial*

Or. en

Amendment 3981

Raúl de la Hoz Quintano, Adrián Vázquez Lázara, Esteban González Pons, Pilar del Castillo Vera, Gabriel Mato, Dolors Montserrat, Javier Zarzalejos, Susana Solís Pérez, Borja Giménez Larraz, Carmen Crespo Díaz, Antonio López-Istúriz White, Esther Herranz García, Nicolás Pascual de la Parte, Juan Ignacio Zoido Álvarez, Francisco José Millán Mon, Maravillas Abadía Jover, Isabel Benjumea Benjumea

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Regulation (EU) 2024/1735

Article 28d – paragraph 1

Text proposed by the Commission

1. For the purposes of Articles 25a, 26 and 28a and 28c, content of Union origin refers to content originating in the Union.

Amendment

1. For the purposes of Articles 25a, 26 and 28a and 28c, content of Union origin refers to content originating in the ***European Union, the European Economic Area (EEA), the European Free Trade Association (EFTA) and the United Kingdom.***

Or. en

Amendment 3982

Matej Tonin

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Regulation 2024/1735

Article 28d – paragraph 1

Text proposed by the Commission

1. For the purposes of Articles 25a, 26 and 28a and 28c, ***content of*** Union origin refers to content originating in the Union.

Amendment

1. For the purposes of Articles 25a, 26 and 28a and 28c, Union origin ***requirements*** refers to content originating in the Union, ***or, where relevant, project-tailored holistic “Made in EU” criteria.***

Justification

In line with AM 3 (IAA), this amendment proposes to guarantee identical recognition, within the NZIA regulation, of holistic “Made in EU” criteria adapted to each large-scale infrastructure project in certifying their Union origin, as a substitute for the NZIA component-based rules. However, the amendment preserves, for the other industrial sectors, the possibility of retaining an NZIA component-based approach where relevant.

Amendment 3983

Tomislav Sokol

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Regulation (EU) 2024/1735

Article 28d – paragraph 1

Text proposed by the Commission

1. For the purposes of Articles 25a, 26 **and** 28a and 28c, content of Union origin **refers to content originating in the Union.**

Amendment

1. For the purposes of Articles 25a, 26, 28a and 28c, **Union origin and** content of Union origin **shall be determined in accordance with Article 7.**

Amendment 3984

Marina Mesure, Rudi Kennes

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Regulation (EU) 2024/1735

Article 28d – paragraph 1

Text proposed by the Commission

1. **For the purposes of Articles 25a, 26 and 28a and 28c,** content of Union origin refers to content originating in the Union.

Amendment

1. Content of Union origin refers to content originating in the Union.

Amendment 3985

David Cormand, Anna Cavazzini, Sara Matthieu
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Regulation (EU)2024/1735

Article 28d – paragraph 1

Text proposed by the Commission

1. ***For the purposes of Articles 25a, 26 and 28a and 28c***, content of Union origin refers to content originating in the Union.

Amendment

1. Content of Union origin refers to content originating in the Union.

Or. en

Amendment 3986

Ondřej Krutílek

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Regulation 2024/1735

Article 28d – paragraph 1

Text proposed by the Commission

1. For the purposes of Articles 25a, 26 and 28a and 28c, content of Union origin refers to content originating in the ***Union***.

Amendment

1. For the purposes of Articles 25a, 26 and 28a and 28c, content of Union origin refers to content originating in the ***European Economic Area***.

Or. en

Amendment 3987

Klara Dostalova, Jaroslava Pokorná Jermanová, Tomáš Kubín, Jaroslav Bžoch, Ondřej Knotek, Jana Nagyová, Jaroslav Knot, Anna Brylka, Enikő Győri, András Gyürk, Ernő Schaller-Baross, András László

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Regulation (EU) 2024/1735

Article 28d – paragraph 1

Text proposed by the Commission

1. For the purposes of Articles 25a, 26 and 28a and 28c, content of Union origin refers to content originating in the **Union**.

Amendment

1. For the purposes of Articles 25a, 26 and 28a and 28c, content of Union origin refers to content originating in the **European Economic Area**.

Or. en

Amendment 3988

Pierre Juvet, Kathleen Van Brempt, Jens Geier, François Kalfon, René Repasi, Jean-Marc Germain, Matthias Ecke, Ștefan Mușoiu, Marc Angel, Elena Sancho Murillo, Bruno Tobback, Elisabeth Grossmann, Raphaël Glucksmann, Niels Fuglsang

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Regulation (EU) 2024/1735

Article 28d – paragraph 1

Text proposed by the Commission

1. **For the purposes of Articles 25a, 26 and 28a and 28c**, content of Union origin refers to content originating in the Union.

Amendment

1. Content of Union origin refers to content originating in the **European** Union .

Or. en

Amendment 3989

Kamila Gasiuk-Pihowicz, Krzysztof Hetman, Borys Budka, Bogdan Andrzej Zdrojewski, Dariusz Joński, Adam Jarubas, Mirosława Nykiel, Andrzej Bula

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Regulation (EU) 2024/1735

Article 28d – paragraph 1

Text proposed by the Commission

1. For the purposes of Articles 25a, 26 and 28a **and 28c**, content of Union origin refers to content originating in the Union.

Amendment

1. For the purposes of Articles 25a, 26 and 28a , content of Union origin refers to content originating in the Union.

Or. en

Amendment 3990

Bart Groothuis, Nikola Minchev, Jeannette Baljeu, Morten Løkkegaard, Barry Andrews, Dan Barna, Barry Cowen, Billy Kelleher, Michael McNamara, Engin Eroglu, Brigitte van den Berg, Anna-Maja Henriksson, Katri Kulmuni, Sigrid Friis, Anna Stürgh, Emma Wiesner, Karin Karlsbro, Ivars Ijabs

Proposal for a regulation

Article 34 – paragraph 1 – point 6a (new)

Regulation 2024/1735

Article 28d – paragraphs 1 a to 1 f (new)

Text proposed by the Commission

Amendment

In Article 28d the following paragraphs are added:

1a. 1a. Content of the following origin shall be equivalent to Union origin for the purposes of Articles 25a, 26, 28a and 28c:

(a) content originating in a partner country;

(b) content produced by a Strategic Project recognised under Article 6 of Regulation (EU) 2024/1252 [Critical Raw Materials Act], for the duration of that recognition.

1b. A third country shall be deemed a partner country for all net-zero technologies from the date of entry into force of Regulation (EU) .../... [IAA], where it:

(a) meets all of the following criteria:

(i) it is a party to the Agreement on Government Procurement;

(ii) it has concluded or signed with the Union an agreement establishing a customs union or a free trade area, where relevant obligations of the Union exist under that agreement;

(iii) it is a full member of the International Energy Agency; and

(iv) it is a party to the Paris Agreement.

(b) content originating in an overseas

country or territory;

1c. The Commission shall adopt delegated acts in accordance with Article 44 to include, in whole or in part, a third country as a partner country for all net-zero technologies.

A third country shall be eligible for inclusion only where it is a party to the Agreement on Government Procurement or has concluded with the Union a customs union, or has concluded with the Union an agreement establishing a free trade area where relevant obligations of the Union exist under that agreement.

In deciding whether to include an eligible third country, the Commission shall assess the following four selection criteria:

(a) whether that third country provides, de jure and de facto, effective reciprocal treatment and market access to Union products or entities across the relevant levels of government, in the net-zero technology concerned;

(b) whether inclusion contributes to the diversification of Union supply chains in the net-zero technology concerned and the resilience of the Single Market and thereby contributes to the Union's economic security and energy security, in particular where Union sourcing is concentrated in a single third country. In assessing this, the Commission shall have regard to the sectoral cooperation the Union is pursuing with that country, such as a Clean Trade and Investment Partnership, a Green Alliance or a Critical Raw Materials Strategic Partnership;

(c) whether inclusion of that third country creates a significant risk of circumvention of the Union origin requirements set out in this Regulation, in particular through the re-export of products or components originating in a third country holding more than 40% of global manufacturing

capacity in the net-zero technology concerned, as well as through the establishment on its territory of undertakings whose main purpose is to obtain access to the internal market;

(d) whether that third country implements the Paris Agreement, such as through domestic carbon pricing mechanisms or measures having equivalent effect.

1d. The Commission shall adopt delegated acts in accordance with Article 44 to exclude, in whole or in part, a third country where the criteria set out in this Article are no longer met. This shall also apply to third countries designated as partner countries from the date of entry into force of Regulation (EU) .../... [IAA].

1e. The first delegated act including third countries as partner countries shall be adopted within [OP: Please insert the date = 6 months after entry into force of Regulation (EU) .../... [IAA]].

1f. Content shall not be considered to be of Union origin where circumvention exists within the meaning of Article 7a of Regulation (EU) .../... [IAA]. Economic operators excluded under that Article shall be excluded, for the same period, from procedures and support under Articles 25a, 26, 28a and 28c.

Or. en

Justification

This Article applies the partner-country system of the IAA to the NZIA: the same partner countries, the same rules for adding or excluding them, and the same anti-circumvention rule. An operator excluded for repeated circumvention under the IAA is also excluded from net-zero procurement, auctions and support.

Amendment 3991

Bart Groothuis, Jeannette Baljeu, Morten Løkkegaard, Barry Andrews, Dan Barna, Barry Cowen, Billy Kelleher, Michael McNamara, Engin Eroglu, Brigitte van den Berg, Cynthia Ní Mhurchú, Anna-Maja Henriksson, Emma Wiesner, Karin Karlsbro, Ivars Ijabs

Proposal for a regulation

Article 34 – paragraph 1 – point 6a (new)

Regulation 2024/1735

Article 28d – paragraph 1 b (new) – point c (new);

Text proposed by the Commission

Amendment

In Article 28d paragraph 1b point (ca) is added :

(c) is a Union candidate country which faces an exceptional and immediate security situation, is a party to the Agreement on Government Procurement, and has concluded with the Union an agreement establishing a free trade area, where relevant obligations of the Union exist under that agreement.

Or. en

Justification

Point (c) covers Ukraine from entry into force. The definition is drawn from the Steel Instrument (Regulation 2026/1284). Reciprocity is ensured because Ukraine is party to the GPA and has a free trade agreement with the Union that includes relevant obligations.

Amendment 3992

Tomislav Sokol

Proposal for a regulation

Article 34 – paragraph 1 – point 6

Regulation (EU) 2024/1735

Article 28d – paragraph 2

Text proposed by the Commission

Amendment

2. The origin of products and components shall be determined in accordance with Regulation (EU) No 952/2013 of the European Parliament.

deleted

Or. en

Amendment 3993
Oihane Agirregoitia Martínez

Proposal for a regulation
Article 34 – paragraph 1 – point 6
Regulation (EU) 2024/1735
Article 28d paragraph 2

Text proposed by the Commission

2. The origin of products and components shall be determined in accordance with Regulation (EU) **No 952/2013** of the European **Parliament**.

Amendment

2. The origin of products and components shall be determined in accordance with Regulation (EU) **No 2026/2108 establishing the Union Customs Code and the European Union Customs Authority, and repealing Regulation (EU) No 952/2013**.

By six months after the entry into force of this Regulation, the Commission shall review the definition of last substantial, economically justified processing or working laid down in Article 169 of Regulation (EU) 2026/2108, with the aim of including at least 50% of added value originating in the Union and preventing the circumvention of the rules on the acquisition of origin.

Or. en

Amendment 3994
Pierre Jouvét, Kathleen Van Brempt, Jens Geier, Javier Moreno Sánchez, Nicolás González Casares, François Kalfon, René Repasi, Jean-Marc Germain, Matthias Ecke, José Cepeda, Hana Jalloul Muro, Idoia Mendia, Ștefan Mușoiu, Marc Angel, Elena Sancho Murillo, Laura Ballarín Cereza, Raphaël Glucksmann, Niels Fuglsang, Lina Gálvez

Proposal for a regulation
Article 34 – paragraph 1 – point 6
Regulation (EU) 2024/1735
Article 28d – paragraph 2

Text proposed by the Commission

2. The origin of products and components shall be determined in

Amendment

2. The origin of products and components shall be determined in

accordance with Regulation (EU) No 952/2013 of the European Parliament.

accordance with Regulation (EU) **2026/2108 establishing the Union Customs Code and the European Union Customs Authority, and repealing Regulation (EU) No 952/2013** of the European Parliament.

Or. en

Amendment 3995
Dirk Gotink

Proposal for a regulation
Article 34 – paragraph 1 – point 6
Amendments to Regulation (EU) 2024/1735
Article 28d – paragraph 2

Text proposed by the Commission

2. The origin of products and components shall be determined in accordance with Regulation (EU) **No 952/2013** of the European Parliament.

Amendment

2. The origin of products and components shall be determined in accordance with **Article 169** Regulation (EU) **No 2026/2108** of the European Parliament.

Or. en

Amendment 3996
Sophie Wilmès, Benoit Cassart

Proposal for a regulation
Article 34 – paragraph 1 – point 6a (new)
Regulation 2024/1735
Article 28d – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(6a) In Article 28d paragraph 2a is added:

2a. With respect to the Union origin requirements referred to in Articles 25a, 26 and 28a, the Commission shall adopt delegated acts in accordance with Article 44 in order to establish, in whole or in part, content originating in a third

country to be of Union origin, if all the following conditions are fulfilled :

(a) the third country has provided, in law and in practice, national treatment to Union products or entities under agreements establishing a free trade area or a customs union or the Agreement on Government Procurement, in relation to the net-zero technologies referred to in Article 4(1);

(b) such inclusion is consistent with the objective to avoid dependencies and with the objective of strengthening the economic security of the Union, including the security of supply chains for the products in question, energy security, and the resilience of the Single Market;

(c) the recognition does not create a significant risk of distortions of competition in the Union market arising from subsidies or other forms of state support granted by the third country in respect of the products concerned;

(d) the third country complies with the commitment to implement the Paris Agreement through its nationally determined contributions;

(e) where the third country has established, or is planning to establish, demand-side measures for net-zero technology final products or public support schemes comparable to those referred to in Article 28a, those measures or schemes provide, in law and in practice, national treatment to Union products or entities;

(f) the inclusion of the third country does not entail a risk of circumvention of the Union origin requirements set out in this Regulation, in particular through the re-export of products or components originating in third countries which are not contained in a delegated act adopted based on this Article, or through the establishment on its territory of undertakings owned and controlled by

entities established in third countries that are not within the scope of this Article with the purpose to access to the Union market for such products or components.

Where the above conditions are no longer met, the Commission shall adopt a delegated act in accordance with Article 44 to exclude in whole or in part a third country from any delegated act adopted on this paragraph.

For third countries meeting all of the following criteria, the Commission shall adopt the delegated acts referred to in the first subparagraph no later than six months after the date of entry into force of Regulation (EU) .../... [OP: please insert the reference to the Industrial Accelerator Act], provided that the conditions set out in points (a) to (f) are fulfilled:

(i) it is a party to the Agreement on Government Procurement;

(ii) it has concluded or signed with the Union an agreement establishing a free trade area or a customs union, where relevant obligations of the Union exist under that agreement;

(iii) it is a full member of the International Energy Agency;

and (iv) it is a party to the Paris Agreement.

Or. en

Justification

This amendment makes the recognition of third-country content as being of Union origin subject to clear conditions safeguarding reciprocity, fair competition, the Union's economic security and climate commitments, while preventing circumvention. It extends this approach to Articles 25a, 26 and 28a, requiring national treatment for Union products or entities where comparable measures or schemes exist in the third country. Recognition must be withdrawn where the conditions are no longer met. For third countries meeting the additional criteria set out in points (i) to (iv), the amendment establishes a binding six-month deadline for the adoption of the relevant delegated acts, provided that all substantive conditions are fulfilled. This provides predictability for trading partners and businesses and supports timely implementation without weakening the safeguards governing eligibility.

