

# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2016/0030(COD) Procedure completed
Measures to safeguard the security of gas supply Repealing Regulation (EU) No 994/2010	<a href="#">2009/0108(COD)</a>
Subject 3.60.03 Gas, electricity, natural gas, biogas 3.60.10 Security of energy supply 3.60.15 Cooperation and agreements for energy	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>ITRE</b> Industry, Research and Energy	 <a href="#">BUZEK Jerzy</a>	23/02/2016
		Shadow rapporteur	
		 <a href="#">GRIFFIN Theresa</a>	
		 <a href="#">CZESAK Edward</a>	
		 <a href="#">TELIČKA Pavel</a>	
		 <a href="#">BENITO ZILUAGA Xabier</a>	
		 <a href="#">TURMES Claude</a>	
		 <a href="#">TAMBURRANO Dario</a>	
		 <a href="#">KAPPEL Barbara</a>	
Committee for opinion	Rapporteur for opinion	Appointed	
<b>AFET</b> Foreign Affairs	 <a href="#">SARYUSZ-WOLSKI Jacek</a>	15/03/2016	
<b>ECON</b> Economic and Monetary Affairs	The committee decided not to give an opinion.		
<b>ENVI</b> Environment, Public Health and Food Safety	The committee decided not to give an opinion.		
<b>IMCO</b> Internal Market and Consumer Protection	The committee decided not to give an opinion.		
<b>TRAN</b> Transport and Tourism	The committee decided not to give an opinion.		
<b>REGI</b> Regional Development		17/03/2016	



[POREBA Tomasz Piotr](#)

Committee for opinion on the legal basis

Rapporteur for opinion

Appointed

**JURI** Legal Affairs

12/06/2017



[GUTELAND Jytte](#)

Council of the European Union

Council configuration

Meeting

Date

[Agriculture and Fisheries](#)

[3562](#)

09/10/2017

[Transport, Telecommunications and Energy](#)

[3505](#)

05/12/2016

[Transport, Telecommunications and Energy](#)

[3472](#)

06/06/2016

European Commission

Commission DG

Commissioner

[Energy](#)

ARIAS CAÑETE Miguel

European Economic and Social Committee

European Committee of the Regions

## Key events

16/02/2016	Legislative proposal published	<a href="#">COM(2016)0052</a>	Summary
07/03/2016	Committee referral announced in Parliament, 1st reading/single reading		
06/06/2016	Debate in Council	<a href="#">3472</a>	
13/10/2016	Vote in committee, 1st reading/single reading		
13/10/2016	Committee decision to open interinstitutional negotiations with report adopted in committee		
20/10/2016	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A8-0310/2016</a>	Summary
05/12/2016	Debate in Council	<a href="#">3505</a>	
27/02/2017	Debate in Council		
30/05/2017	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	<a href="#">PE604.755 GEDA/A/(2017)005039</a>	
12/09/2017	Results of vote in Parliament		
12/09/2017	Debate in Parliament		
12/09/2017	Decision by Parliament, 1st reading/single reading	<a href="#">T8-0327/2017</a>	Summary
09/10/2017	Act adopted by Council after Parliament's 1st reading		
25/10/2017	Final act signed		
25/10/2017	End of procedure in Parliament		
28/10/2017	Final act published in Official Journal		

## Technical information

Procedure reference	2016/0030(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Repealing Regulation (EU) No 994/2010 <a href="#">2009/0108(COD)</a>
Legal basis	Treaty on the Functioning of the EU TFEU 194-p2
Other legal basis	Rules of Procedure EP 159
Mandatory consultation of other institutions	<a href="#">European Economic and Social Committee</a> <a href="#">European Committee of the Regions</a>
Stage reached in procedure	Procedure completed
Committee dossier	ITRE/8/05767

## Documentation gateway

Legislative proposal		<a href="#">COM(2016)0052</a>	16/02/2016	EC	Summary
Document attached to the procedure		<a href="#">SWD(2016)0025</a>	16/02/2016	EC	
Document attached to the procedure		<a href="#">SWD(2016)0026</a>	16/02/2016	EC	
Reasoned opinion	AT_BUNDESRAT	<a href="#">PE580.749</a>	14/04/2016	NP	
Committee draft report		<a href="#">PE580.796</a>	17/05/2016	EP	
Amendments tabled in committee		<a href="#">PE584.139</a>	20/06/2016	EP	
Amendments tabled in committee		<a href="#">PE585.421</a>	20/06/2016	EP	
Amendments tabled in committee		<a href="#">PE585.455</a>	20/06/2016	EP	
Reasoned opinion	BG_PARLIAMENT	<a href="#">PE584.203</a>	20/06/2016	NP	
Committee opinion	<b>AFET</b>	<a href="#">PE582.062</a>	14/09/2016	EP	
Committee opinion	<b>REGI</b>	<a href="#">PE582.277</a>	14/09/2016	EP	
Economic and Social Committee: opinion, report		<a href="#">CES2264/2016</a>	21/09/2016	ESC	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A8-0310/2016</a>	20/10/2016	EP	Summary
Coreper letter confirming interinstitutional agreement		<a href="#">GEDA/A/(2017)005039</a>	16/05/2017	CSL	
Specific opinion	<b>JURI</b>	<a href="#">PE606.115</a>	13/06/2017	EP	
Commission response to text adopted in plenary		<a href="#">SP(2017)633</a>	11/09/2017	EC	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T8-0327/2017</a>	12/09/2017	EP	Summary
Draft final act		<a href="#">00022/2017/LEX</a>	25/10/2017	CSL	

Additional information	
Research document	<a href="#">Briefing</a>
Research document	<a href="#">Briefing</a>
Research document	<a href="#">Briefing</a>

  

Final act
<a href="#">Regulation 2017/1938</a> <a href="#">OJ L 280 28.10.2017, p. 0001</a> Summary Final legislative act with provisions for delegated acts

## 2016/0030(COD) - 16/02/2016 Legislative proposal

**PURPOSE:** to safeguard the security of gas supply in the European Union.

**PROPOSED ACT:** Regulation of the European Parliament and of the Council.

**ROLE OF THE EUROPEAN PARLIAMENT:** the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

**BACKGROUND:** [Regulation \(EU\) No 994/2010](#) of the European Parliament and of the Council concerning measures to safeguard security of gas supply has already had a significant positive impact on the Union situation as regards the security of the gas supply, both in terms of preparation and mitigation.

Member States are better prepared to face a supply crisis now that they are required to draw up plans including preventive and emergency measures, and they are better protected now that they have to meet a number of obligations regarding infrastructure capacity and gas supply.

Five years after the adoption of Regulation 994/2010, the security of the gas supply remains a highly topical issue, given the tensions prevailing between Ukraine and Russia:

the implementation [report](#) of Regulation (EU) No 994/2010 of October 2014 highlighted areas in which improvements to that Regulation could further bolster the Union supply security;

- the Commission's Communication on the short-term resilience of the European gas system from October 2014 analysed the effects of a partial or complete disruption of gas supplies from Russia and concluded that purely national approaches are not very effective in the event of severe disruption, given their scope, which is by definition limited. This stress test showed how a more cooperative approach among Member States could significantly reduce the impact of very severe disruption scenarios in the most vulnerable Member States;
- the [Commission Communication](#) 'Framework Strategy for a Resilient Energy Union with a Forward-Looking Climate Change Policy' from February 2015, highlights the fact that the Energy Union rests on solidarity and trust, which are necessary features of energy security.

The increasing interconnection of the EU gas markets and the 'corridor approach' for enabling the reverse flows on gas interconnectors call for coordinated measures. Cooperation should also be extended to specific measures to foster solidarity between Member States in security of supply matters.

**IMPACT ASSESSMENT:** the Impact Assessment Board issued a positive opinion on 16 December 2015. Four policy options were examined and the option maintained consisted of ensuring a better coordination, with some principles/standards being set at EU level. This option: (i) will have a very limited overall impact on costs and prices; (ii) should be good for market participants and consumers; (iii) should help make the single energy market operate better.

**CONTENT:** this draft Regulation seeks to replace Regulation (EU) No 994/2010 and ensure that all the necessary measures are taken to safeguard an uninterrupted supply of gas throughout the Union, in particular to protected customers in the event of difficult climatic conditions or disruptions of the gas supply.

This Regulation establishes provisions aimed at safeguarding the security of gas supply by ensuring the proper and continuous functioning of the internal market in natural gas ("gas"), by:

- allowing for exceptional measures to be implemented when the market can no longer deliver the required gas supplies;
- providing for a clear definition and attribution of responsibilities among natural gas undertakings, the Member States and the Union regarding both preventive action and the reaction to concrete disruptions of supply.

To meet this objective, the draft regulation proposes stronger regional coordination, with certain principles and standards being set at EU level. The approach proposed is that:

- Member States should cooperate closely within their regions when conducting regional risk assessments;
- in order to ensure EU-wide consistency, regional risk assessments will be conducted on the basis of an EU-wide simulation, with common standards and a specific scenario;
- risks identified through regional risk assessments will be addressed in regional preventive action plans and emergency plans, to be peer-reviewed and approved by the Commission.

To ensure that risk assessments and plans are comprehensive and consistent with one another, the Regulation sets out mandatory templates listing aspects that must be taken into account when conducting the risk assessment and drawing up the plans.

The Regulation also:

- improves the application of the supply standard to protected customers (mainly households) and the infrastructure standard (the possibility of supplying gas even if the largest infrastructure is not available);
- enables permanent bi-directional capacity;
- proposes the introduction of additional transparency measures concerning gas supply contracts; as such contracts may affect security of supply in the EU.

DELEGATED ACTS: this proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.

## 2016/0030(COD) - 20/10/2016 Committee report tabled for plenary, 1st reading/single reading

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The Committee on Industry, Research and Energy adopted the report by Jerzy BUZEK (EPP, PL) on the proposal for a regulation of the European Parliament and of the Council concerning measures to safeguard the security of gas supply and repealing Regulation (EU) No 994/2010.

The committee recommended that the European Parliament's position adopted at first reading, following the ordinary legislative procedure, should amend the Commission proposal as follows:

Scope: this Regulation establishes provisions aimed at safeguarding, in the spirit of solidarity, the security of gas supply: (i) by ensuring the proper and continuous functioning of the internal market in natural gas ("gas"), based on credible gas demand trends; (ii) by allowing for exceptional measures to be implemented when the market can no longer deliver the required gas supplies to the protected customers and; (iii) by providing for a clear definition and attribution of responsibilities among natural gas undertakings, the Member States and the Union regarding both preventive action and immediate reaction to concrete disruptions of supply, either at the source or in transit.

Furthermore, this Regulation shall:

- provide for transparent mechanisms for the coordination of planning for, and response to, an emergency at Member State, regional and Union level.
- encourage preventive measures reducing gas demand, including through measures enhancing energy efficiency and increasing the share of renewable energy, in order to decrease the Union's dependence on gas imports.

Protected customer: Members proposed introducing a harmonised definition of protected customers at EU level.

According to the amended text, the national regulatory authority shall require the natural gas undertakings, that it identifies, to take measures, in close collaboration with electricity undertakings, to ensure that the supply of gas necessary for the security and health of the protected customers of the Member State is maintained in each of the cases stated in the Regulation.

Security of gas supply: the measures to ensure the security of gas supply contained in the preventive action plans and in the emergency plans shall be clearly defined, to the extent possible market based, transparent, proportionate, non-discriminatory verifiable, sustainable and compatible with the Union's climate and energy objectives.

The composition of regions for the purposes of the regional cooperation as provided for in this Regulation shall also be based on the ability to satisfy gas demand of protected consumers during interruption from the single largest gas supplier.

Infrastructure standard: Member States shall ensure that, as a first step, the market is always tested in a transparent, detailed and non-discriminatory manner, to assess whether the investment intended to fulfil the obligations set out in the Regulation is required.

Gas flow through bi-directional interconnection points to a Member State which has declared an emergency shall have priority over gas flow to other points of the system of the Member State from which the gas is supplied and which has not declared an emergency.

Risk assessment: the competent authorities of each region as listed in Annex I shall, in cooperation with any national regulatory authorities, jointly and after consulting the relevant stakeholders make an assessment:

- by taking into account and drawing appropriate conclusions from the results of the Union-wide simulation of supply and infrastructure scenarios carried out by ENTSO for Gas;;
- by taking into account all relevant national, regional and inter-regional circumstances;
- by running various scenarios of demand reduction resulting from energy efficiency measures;
- by running various scenarios of exceptionally high gas demand and supply disruption and assessing their likely consequences, such as: (i) geopolitical risks that may directly or indirectly affect the Member State by increased dependence or; (ii) the ability to satisfy the demand of protected customers in the region during supply disruption from the single largest supplier from a third country;
- by taking into account risks relating to the control of infrastructure relevant to security of gas supply by natural gas undertakings in a third country.

On the basis of the regional risks, the Commission shall carry out an EU-wide risk assessment, in cooperation with the Coordination Group, and send its conclusions to the European Parliament and the Council.

Content of the preventive action and emergency plans: the preventive action plans and the emergency plans shall take account of the Union wide simulations carried out by ENTSO for Gas for the preparation of the risk assessments, preventive action plans and emergency plans. The emergency plan shall identify the contribution of market-based measures, including voluntary demand aggregation, for coping with the situation at alert level and mitigating the situation at emergency level.

Declaration of crisis: during an emergency and on reasonable grounds, a Member State may decide to prioritise the gas supply to certain critical gas-fired power plants over the supply to certain categories of protected customers. Such critical gas-fired power plants shall be identified by the transmission system operators of the electricity system in coordination with the transmission system operators of the gas

system.

Emergency Supply Corridors: as part of the Union-wide simulation, ENTSO for Gas shall identify and assess the Emergency Supply Corridors, which complement and facilitate the regional approach, along which gas can flow between regions in order to prevent fragmentation of the internal gas market.

The Union-wide simulation and the Emergency Supply Corridors shall be updated every four years.

Regional and Union emergency responses: upon receipt of a notification from a competent authority of the declaration of an early warning in a Member State, or on its own initiative, the Commission shall use appropriate external policy tools to prevent the deterioration of the situation in gas supply.

A Member State, in which an emergency has been declared and which, despite having implemented the measures provided for in the emergency plan, is not able to supply gas to protected customers, may call for solidarity measures to apply.

Information exchange: in the event of a regional or Union emergency, the Commission shall have the right to request the competent authority to provide information without delay on information on the measures planned to be undertaken and already implemented by the competent authority to mitigate the emergency, including demand-side measures.

Irrespective of a declaration of emergency, the competent authority may require natural gas undertakings to provide the information referred to in the Regulation.

The national regulatory authorities shall monitor the market supply structure and inform the relevant natural gas undertakings once the 40 % threshold of total annual gas imports from third countries to the Member State concerned is exceeded in the framework of gas supply contracts with the same supplier from a third country or from its affiliates.

## 2016/0030(COD) - 12/09/2017 Text adopted by Parliament, 1st reading/single reading

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The European Parliament adopted by 567 votes to 61, with 23 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council concerning measures to safeguard the security of gas supply and repealing Regulation (EU) No 994/2010.

The European Parliament's position adopted at first reading following the ordinary legislative procedure amended the Commission proposal as follows:

**Objective:** the Regulation seeks to lay down provisions to safeguard the security of gas supply in the Union by ensuring the proper and continuous functioning of the internal market in natural gas, by allowing for exceptional measures to be implemented when the market can no longer deliver the gas supplies required, including solidarity measure of a last resort.

**Responsibility:** the amended text clarifies that the security of gas supply shall be the shared responsibility of natural gas undertakings, the Member States, in particular through their competent authorities, and the Commission.

For the purpose of the risk-based approach, risk groups should be defined based on the major transnational risks to the security of gas supply in the Union.

Those risk groups shall serve as the basis for enhanced regional cooperation to increase the security of gas supply and shall enable agreement on appropriate and effective cross-border measures of all Member States concerned within the risk groups or outside the risk groups along the emergency supply corridors.

The Commission may update the composition of the risk groups by means of a delegated act.

Annex I to the Regulation lists the risk groups of Member States which would serve as a basis for risk-based cooperation, namely risk groups supplied with gas via (i) the eastern corridor; (ii) the North Sea corridor; (iii) the North African corridor; and (iv) the Southeast corridor.

**Risk assessment:** competent authorities should assess all risk factors that could lead to the materialisation of the major transnational risk for which the risk group was created, including the breakdown of gas supply from the single largest supplier.

In order to contribute to common and national risk assessments, the European Network of Transmission System Operators for Gas (ENTSO) should conduct a Union-wide simulation of gas supply failure and infrastructure failures. This simulation should be repeated at least every two years.

**Preventive action plans and contingency plans:** the competent authority of each Member State should put in place such plans containing the measures necessary to eliminate or mitigate the identified risks. These plans should contain regional chapters when a Member State is part of different risk groups. The Commission would play a facilitating role in this context.

The Commission should assess the preventive action plans and emergency plans and recommend that plans be reviewed, in particular if they do not address the risks identified in the risk assessment, distort competition or adversely affect the functioning of the internal energy market or threaten the security of gas supply in other Member States.

The competent authority of the Member State should take account of the recommendations of the Commission. In case of disagreement with the Commission, the competent authority should make public the justification underlying its final position.

**Protected customers:** the Regulation aims to ensure that all necessary measures are taken to ensure the continuity of gas supply throughout the Union, in particular for protected customers.

The amended text clarified that the definition of solidarity protected customers should be limited to households, while still being able to include, under specific conditions, certain essential social services and district heating installations.

It is therefore possible for Member States to treat, in accordance with that framework, healthcare, essential social care, emergency and security services as solidarity protected customers, including where those services are performed by a public administration.

Solidarity: in order to guarantee cooperation with more vulnerable Member States, the Regulation provides for a solidarity mechanism designed to deal with extreme circumstances in which a Member State has the essential need to supply protected customers.

If a Member State has requested the application of the solidarity measure, a Member State which is directly connected to the requesting Member State or, where the Member State so provides, its competent authority or transmission system operator or distribution system operator shall as far as possible without creating unsafe situations, take the necessary measures to ensure that the gas supply to customers other than solidarity protected customers in its territory is reduced or does not continue to the extent necessary and for as long as the gas supply to solidarity protected customers in the requesting Member State is not satisfied.

At the same time, solidarity is a measure of last resort that applies only in an emergency and only under restrictive conditions. The Member State providing solidarity should be paid fair compensation promptly by the Member State receiving solidarity.

Transparency of contracts: in order to enable the competent authorities and the Commission to assess the state of gas supply security at national, regional and EU level, each natural gas undertaking shall notify the competent authority of certain details relating to gas supply contracts with a cross-border dimension and a duration of more than one year.

The amended text thus introduced the obligation to automatically notify the competent authority of contracts between a supplier and a buyer covering the equivalent of 28 % or more of the annual gas consumption on the national market.

The notification obligation shall also cover all commercial agreements that are relevant for the execution of the gas supply contract, including relevant agreements that may be related to infrastructure, storage and any other aspect important for the security of gas supply.

## 2016/0030(COD) - 25/10/2017 Final act

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PURPOSE: to safeguard the security of gas supply in the European Union.

LEGISLATIVE ACT: Regulation (EU) 2017/1938 of the European Parliament and of the Council of 25 October 2017 concerning measures to safeguard the security of gas supply and repealing Regulation (EU) No 994/2010.

CONTENT: this Regulation aims to reinforce the European Union energy security, reducing its dependency on others for energy supplies and ensure that all the necessary measures are taken to safeguard an uninterrupted supply of gas throughout the Union, in particular to protected customers in the event of difficult climatic conditions or disruptions of the gas supply.

The Regulation is part of the [energy union strategy](#). It provides for:

- for exceptional measures to be implemented when the market can no longer deliver the gas supplies required, including solidarity measure of a last resort;
- the clear definition and attribution of responsibilities among natural gas undertakings, the Member States and the Union regarding both preventive action and the reaction to concrete disruptions of gas supply;
- transparent mechanisms concerning, in a spirit of solidarity, the coordination of planning for, and response to, emergencies at national, regional and Union level.

The main elements of the Regulation are:

- enhanced regional cooperation and coordination set on risk-based groups of Member States mandatory regional preventive action plans and emergency plans, as well as regional risk assessments, to be prepared jointly by all member states within the same risk-group;
- establishment of a Gas Coordination Group to facilitate the coordination of measures concerning the security of gas supply;
- mandatory regional preventive action plans and emergency plans, as well as regional risk assessments, to be prepared jointly by all member states within the same risk-group. In this context, the European Network of Transmission System Operators for Gas (ENTSOG) shall, by 1 November 2017 at the latest, carry out a Union-wide simulation of gas supply and infrastructure disruption scenarios. This simulation shall be repeated at least every four years;
- the obligation for each Member State or its competent authority to ensure that the necessary measures are taken so that, in the event of the failure of the largest gas infrastructure, the technical capacity of the remaining infrastructure, is able to satisfy total gas demand of the calculated area during a day of exceptionally high gas demand occurring with a statistical probability of once in 20 years;
- the obligation for natural gas companies identified by the competent authorities to take measures to ensure the supply of gas to protected customers (i.e. households and customers providing essential social services) of the Member State, by example in the case of extreme temperatures during a peak period of 7 days or a period of 30 days of exceptionally high gas demand;
- a solidarity mechanism which will have a mandatory application in extreme crisis scenarios in which supply to solidarity protected customers as an essential need and a necessary priority is at stake in a Member State. At the same time, solidarity is a measure of last resort that applies only in an emergency and only under restrictive conditions. The Member State providing solidarity should be paid fair compensation promptly by the Member State receiving solidarity;
- increased control over the provisions of gas supply contracts: the Regulation provides for the obligation to automatically notify the competent authority of contracts between a supplier and a buyer covering the equivalent of 28% or more of the annual consumption of gas on the national market;
- specific obligations of the EU Member States towards the Energy Community, as well as Commission powers to coordinate the application of the legal framework between the EU and the Energy Community.

ENTRY INTO FORCE: 1.11.2017.

DELEGATED ACTS: the Commission may adopt delegated acts with regard to the composition of risk groups as well as templates for risk assessments and for preventive action plans and emergency plans. The power to adopt such acts is conferred on the Commission for a period of five years (renewable) from 1 November 2017. The European Parliament or the Council shall have the right to oppose a delegated act within a period of two months (extendable two months) from the notification of the act.