

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed 2022/0090(COD)
Security of gas supply and conditions for access to natural gas transmission networks Amending Regulation 2009/715 2007/0199(COD) Amending Regulation 2017/1938 2016/0030(COD)	
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 ITRE Industry, Research and Energy	Rapporteur  BUȘOI Cristian-Silviu	Appointed 23/03/2022
Council of the European Union European Commission	Commission DG Energy	Commissioner SIMSON Kadri	
European Economic and Social Committee European Committee of the Regions			

Key events			
23/03/2022	Legislative proposal published	COM(2022)0135	Summary
28/03/2022	Decision by committee, without report		
04/04/2022	Committee referral announced in Parliament, 1st reading		
07/04/2022	Decision by Parliament, 1st reading	T9-0119/2022	Summary
07/04/2022	Matter referred back to the committee responsible		
02/06/2022	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE732.927 GEDA/A/(2022)004554	
23/06/2022	Results of vote in Parliament		
23/06/2022	Debate in Parliament		

			
23/06/2022	Decision by Parliament, 1st reading	T9-0251/2022	Summary
27/06/2022	Act adopted by Council after Parliament's 1st reading		
29/06/2022	Final act signed		
30/06/2022	Final act published in Official Journal		

Technical information	
Procedure reference	2022/0090(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Regulation 2009/715 2007/0199(COD) Amending Regulation 2017/1938 2016/0030(COD)
Legal basis	Rules of Procedure EP 163; Treaty on the Functioning of the EU TFEU 194-p2
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	ITRE/9/08667

Documentation gateway					
Legislative proposal		COM(2022)0135	23/03/2022	EC	Summary
Text adopted by Parliament, partial vote at 1st reading/single reading		T9-0119/2022	07/04/2022	EP	Summary
Economic and Social Committee: opinion, report		CES1749/2022	18/05/2022	ESC	
Coreper letter confirming interinstitutional agreement		GEDA/A(2022)004554	25/05/2022	CSL	
Text agreed during interinstitutional negotiations		PE732.927	25/05/2022	EP	
Text adopted by Parliament, 1st reading/single reading		T9-0251/2022	23/06/2022	EP	Summary
Draft final act		00024/2022/LEX	29/06/2022	CSL	
Commission response to text adopted in plenary		SP(2022)447	26/07/2022	EC	

Additional information		
Research document	Briefing	27/04/2022

Final act
Regulation 2022/1032 OJ L 173 30.06.2022, p. 0017 Corrigendum to final act 32022R1032R(01) OJ L 245 22.09.2022, p. 0070

Security of gas supply and conditions for access to natural gas transmission networks

PURPOSE: to lay down safeguard measures concerning the security of gas supply with new obligations for Member States on gas storage and access to natural gas transmissions.

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: the EU is faced with potential threats to the security of gas supply, mainly linked to its dependence for primary energy from third countries. The escalation of the armed conflict in Ukraine since February 2022 has led to unprecedented price increases. These price increases are likely to fundamentally change the incentives to fill storage facilities in the Union.

In the current geopolitical context, further supply disruptions of gas can no longer be excluded. This could severely harm citizens and the economy of the Union, as the Union is still to a significant extent dependent on external gas supplies which can be affected by the conflict.

It is therefore crucial that the EU acts in a coordinated manner to avoid potential risks resulting from a possible gas supply interruption.

CONTENT: this proposal amends two existing regulations, Regulation (EU) 2017/1938 concerning measures to safeguard the security of gas supply and Regulation (EU) 715/2009 on conditions for access to natural gas transmission networks. It builds on the existing framework for gas security of supply and internal gas market rules, adding further measures needed to ensure security of supply of natural gas in the Union in the context of the severe energy crisis caused by recent changes of the geopolitical situation.

The proposal aims notably at ensuring that storage capacities in the Union, which are crucial to ensure security of supply, do not remain unused, to ensure that storages can be shared across the Union, in a spirit of solidarity.

Mandatory minimum level of gas in storage facilities

The proposal seeks to ensure that a mandatory minimum level of gas in storage facilities will reinforce the security of supply ahead of the winter 2022/2023 and for the following winter periods.

A new provision will require the Member States to ensure that the storage infrastructures in its territory are, in principle, filled up to at least 90% of their capacity at Member State level by 1 November each year, with intermediary targets for each Member State in February, May, July, and September. For 2022, the filling target is set at 80% of the capacity of all storage facilities located on the territory of the respective Member States.

The Commission is mandated to ensure that the filling targets are met in case intermediate targets are missed.

Certification of storage system operators

A new mandatory certification of all storage system operators will avoid potential risks resulting from outside influence over critical storage infrastructure, meaning that non-certified operators will have to give up ownership or control of EU gas storage facilities. In addition, for a gas storage facility to close down its operations it would need to have an authorisation from the national regulator.

Burden sharing mechanism

The proposal introduced a burden sharing mechanism, as although not all Member States have storage facilities in their territories, all will benefit from having a guaranteed high filling level, in terms of the insurance value against security of supply risks and price dampening effects in winter.

New filling obligations

Competent authorities will continuously monitor the filling of the underground storage facilities in order to ensure that their national filling trajectories are met. This new provision also reinforces the role of the Gas Coordination Group, giving it an explicit mandate to monitor Member States' performance in the area of gas security of supply, and to develop best practices on that basis.

Tariff rebate

In order to incentivise the refilling of EU gas storage facilities, the Commission is proposing a 100% discount on capacity-based transmission tariffs at entry and exit points of storage facilities.

Security of gas supply and conditions for access to natural gas transmission networks

The European Parliament decided by 516 votes to 25, with 15 abstentions, to refer the matter back to the committee responsible for interinstitutional negotiations on the basis of the unamended proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2017/1938 of the European Parliament and of the Council concerning measures to safeguard security of natural gas supply and Regulation (EC) No 715/2009 of the European Parliament and of the Council on conditions for access to the natural gas transmission networks

The decision was adopted pursuant to [Article 59\(4\), fourth subparagraph](#), of the Rules of Procedure.

Security of gas supply and conditions for access to natural gas transmission networks

The European Parliament adopted by 490 votes to 47, with 55 abstentions a legislative resolution on the proposal for a regulation of the

European Parliament and of the Council amending Regulation (EU) 2017/1938 of the European Parliament and of the Council concerning measures to safeguard the security of gas supply and Regulation (EC) No 715/2009 of the European Parliament and of the Council on conditions for access to natural gas transmission networks.

The proposal amends two existing regulations concerning security of natural gas supply and access to natural gas transmission networks. It aims to ensure that a mandatory minimum level of gas in storage to safeguard the supply before the winter of 2022/2023 and for the following winter periods.

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

Filling targets and trajectories

The Regulation provides that underground gas storage on Member States territory must be filled to at least 80% of their capacity before the winter of 2022/2023 and to 90% before the following winter periods. Overall, the EU will attempt collectively to fill 85% of the total underground gas storage capacity in the EU in 2022.

Member States should take into account the objective of ensuring security of gas supply in the Union. The text encourages EU countries to diversify their sources of gas supply and to take more measures to promote energy efficiency.

To reflect the situation of Member States with very large storage capacities compared to their domestic gas consumption, the filling obligation for underground stocks will be limited to a volume corresponding to 35% of the average annual gas consumption of member states over the last five years.

Without prejudice to the obligations of other Member States to fill the underground gas storage facilities concerned, the filling target for each Member State in which the underground gas storage facilities are located shall be reduced by the volume which was supplied to third countries during the reference period 2016 to 2021 if the average volume supplied was more than 15 TWh per year during the gas storage withdrawal period (October April).

A Member State may partially meet the filling target by counting the LNG physically stored and available in its LNG facilities if both of the following conditions are met: (a) the gas system includes significant capacity of LNG storage, accounting annually for more than 4 % of the average national consumption over the preceding five years; (b) the Member State has imposed an obligation on gas suppliers to store minimum volumes of gas in underground gas storage facilities and/or LNG facilities.

For 2023 and the following years, each Member State with underground gas storage facilities should submit to the Commission, by 15 September of the previous year, a draft filling trajectory with intermediary targets for February, May, July and September, including technical information, for the underground gas storage facilities on its territory and directly interconnected to its market area in an aggregated form. The filling trajectory and the intermediate targets shall be based on the average filling rate during the preceding five years.

In the event of a substantial and sustained deviation by a Member State from the filling trajectory, which compromises the meeting of the filling target or in the event of a deviation from the filling target, the Commission should, after consulting the Gas Coordination Group and the Member States concerned, issue a recommendation to that Member State or to the other Member States concerned regarding measures to be taken immediately.

Implementation of filling targets

Member States should take all necessary measures, including providing financial incentives or compensation to market actors, to achieve the filling targets. In ensuring that filling targets are met, Member States should give priority, where possible, to market-based measures.

Storage agreements and load sharing mechanism.

A Member State without underground gas storage facilities should ensure that market participants within that Member State have in place arrangements with underground storage system operators or other market participants in Member States with underground gas storage facilities. Those arrangements shall provide for the use, by 1 November, of storage volumes corresponding to at least 15 % of the average annual gas consumption over the preceding five years of the Member State without underground gas storage facilities.

Mandatory certification for gas storage facilities

The Regulation also provides for compulsory certification of all underground gas storage site operators by the authorities of the Member States concerned. The aim of this certification is to avoid the potential risks of external influence on critical storage infrastructures, which could jeopardise the security of the EUs energy supply and other essential security interests. Operators who do not obtain this certification will have to relinquish ownership or control of gas storage facilities within the EU.

A fast-track certification procedure is to apply for storage sites with a capacity of more than 3.5 TWh that were filled in March 2021 and March 2022 to a level that, on average, was less than 30% of their maximum capacity.

Storage capacity filling obligations will come to an end on 31 December 2025, but stock operator certification obligations will continue to apply beyond that date. The regulation also provides for a derogation to be granted to Cyprus, Malta and Ireland as long as they are not directly interconnected with the gas system of other Member States.

Commission reporting

By 28 February 2023 and annually thereafter, the Commission should submit reports to the European Parliament and to the Council, containing: (i) an overview of the measures taken by Member States to fulfil the storage obligations; (ii) an overview of the time needed for the certification procedure; (iii) an overview of the measures requested by the Commission in order to ensure compliance with the filling trajectories and the filling targets; (iv) an analysis of the potential effects of this Regulation on gas prices and potential gas savings.

Transparency				
BUZEK Jerzy	Rapporteur	ITRE	18/05/2022	Council of European Energy Regulators

BUZEK Jerzy	Rapporteur	ITRE	18/05/2022	Energy Community
BUZEK Jerzy	Rapporteur	ITRE	04/05/2022	Europex - Association of European Energy Exchanges
TOIA Patrizia	Shadow rapporteur	ITRE	04/05/2022	ARERA
BUZEK Jerzy	Rapporteur	ITRE	21/04/2022	Bellona Europa
BUZEK Jerzy	Rapporteur	ITRE	04/04/2022	PGE Polska Grupa Energetyczna SA
BUZEK Jerzy	Rapporteur	ITRE	29/03/2022	European Network of Transmission System Operators for Gas
MITU?A Alin	Member	31/03/2022	Equinor ASA (EQNR)	