



Council of the
European Union

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NOTE

From: General Secretariat of the Council

To: Delegations

Subject: 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

- Presidency conclusions on the proposal for a Regulation on Security of Gas Supply

Delegations will find in the Annex the Presidency conclusions on the above-mentioned subject following the TTE (Energy) Council on 5 December 2016.

Security of Gas Supply – Presidency conclusions

The Council held a policy debate on a proposal for a regulation on Security of Gas Supply. The meeting was guided by a discussion note and options prepared by the Presidency. Regarding the three main topics of the discussion, the Presidency concluded:

Regional cooperation

There was a broad agreement on reinforced regional cooperation which would be set on **risk-based groups of Member States** taking into account the **main transnational risks for the EU's gas supply and enabling agreement on possible cross-border measures**.

Groups of Member States together with relevant risks **will be specified in the Regulation** taking into account the result of a preliminary ENTSO-G assessment. Such groups may be updated after final ENTSO-G simulation which will deliver data on impacts and possible solutions, including emergency supply corridors along the lines of main existing infrastructure.

Member States will conduct **national Risk Assessments** as well as **common Risk Assessments** with other Member States per source of relevant risk.

On the basis of the relevant Risk Assessments, each Member State will prepare a **national Preventive Action Plan and a national Emergency Plan**. Both plans will contain measures to address identified risks in the Risk Assessments and **regional chapters with possible cross-border measures to be agreed within the group**, where necessary also taking into account the results of a cost-benefit analysis. The **Commission will be able to issue an opinion** to competent authorities with the recommendation to review the relevant preventive action plan or emergency plan.

Member States will share the information and consult the members of relevant risk groups in the process of the preparation of emergency and preventive action plans and during emergency situations. **It should be ensured that regional groups are truly operational**.

Information exchange

There was a broad agreement on strengthened exchange of information relevant for security of supply which would take into account that the administrative burden remains proportionate and the confidentiality of commercially sensitive information is preserved.

Long-term gas contracts which provide 40 % or more of annual natural gas consumption in the Member State concerned will be notified to the competent authority. The application of this threshold in the context of an integrated EU market will be further clarified in the negotiations. The contracts will be assessed by the competent authority, especially as regards their impact on the security of gas supplies in the Member State and the region. When the competent authority has doubts about the impacts of such contract, it shall be notified to the Commission.

Regarding the key gas supply contracts even if they do not fulfill the 40% threshold, the competent authority and the Commission will also be able to request other security of supply relevant information. Such request cannot cover price information and should take into account that the administrative burden remains proportionate.

The conditions for such request will be specified during further negotiations.

Solidarity

There was a broad agreement on **the need for solidarity between Member States. Solidarity is a last resort mechanism after all the emergency measures have been exhausted.** Solidarity together with general principles including on compensation will be defined in the text of the Regulation allowing Member States to take into account their specific national situation. To support Member States with information on good practices and relevant options, the **Commission will in due time elaborate guidelines** in close cooperation with Member States and relevant stakeholders represented in the Gas Coordination Group.