



Council of the
European Union

Brussels, 13 September 2022
(OR. en)

12060/22

Interinstitutional File:
2022/0235 (NLE)

ENER 420
RELEX 1133
COWEB 81
COEST 629

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the position to be taken on behalf of the European Union within the Ministerial Council of the Energy Community with regard to the incorporation of Regulation (EU) 2022/1032 of the European Parliament and of the Council on gas storage into the Energy Community *acquis*

COUNCIL DECISION (EU) 2022/...

of ...

**on the position to be taken on behalf of the European Union within
the Ministerial Council of the Energy Community with regard to the incorporation of
Regulation (EU) 2022/1032 of the European Parliament and of the Council
on gas storage into the Energy Community *acquis***

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 194, in conjunction with Article 218(9) thereof,

Having regard to Council Decision 2006/500/EC of 29 May 2006 on the conclusion by the European Community of the Energy Community Treaty¹,

Having regard to the Energy Community Treaty, and in particular Articles 79, 24 and 25 thereof,

Having regard to the proposal from the European Commission,

¹ OJ L 198, 20.7.2006, p. 15.

Whereas:

- (1) The European Union is a Party to the Energy Community Treaty.
- (2) The Energy Community Treaty was concluded by the Union by means of Decision 2006/500/EC, and entered into force on 1 July 2006.
- (3) One of the main tasks of the Energy Community is to organise the relations between the Parties to the Energy Community Treaty and create a legal and economic framework covering the electricity and gas sectors as defined in the Energy Community Treaty.
- (4) Given the importance of gas storage in ensuring the security of gas supply, and against the background of Russia's war of aggression against Ukraine, the Union has urgently adopted a Regulation on gas storage, namely Regulation (EU) 2022/1032 of the European Parliament and of the Council¹. It should, as a matter of urgency, be incorporated into the Energy Community *acquis*.
- (5) Under Title II of the Energy Community Treaty, the Commission has the power to propose measures concerning the extension of the Energy Community *acquis*.
- (6) The incorporation of Regulation (EU) 2022/1032 into the Energy Community *acquis* contributes to the objectives of the Energy Community and will benefit the Contracting Parties to the Energy Community Treaty in terms of security of energy supply.

¹ Regulation (EU) 2022/1032 of the European Parliament and of the Council of 29 June 2022 amending Regulations (EU) 2017/1938 and (EC) No 715/2009 with regard to gas storage (OJ L 173, 30.6.2022, p. 17).

- (7) It is appropriate to establish the position to be taken on the Union's behalf in the Ministerial Council of the Energy Community (the 'Ministerial Council') with regard to the incorporation of Regulation (EU) 2022/1032 into the Energy Community *acquis*.
- (8) The position of the Union within the Ministerial Council should therefore be based on the attached draft Decision.
- (9) Given the urgency of the situation related to gas storage, it is necessary to adopt this Decision without delay,

HAS ADOPTED THIS DECISION:

Article 1

1. The position to be taken on the Union's behalf within the Ministerial Council of the Energy Community (the 'Ministerial Council') shall be to approve the draft Decision of the Ministerial Council attached to this Decision.
2. Minor changes may be agreed to by the Commission, in light of comments from the Contracting Parties to the Energy Community Treaty before or during the adoption procedure of the Ministerial Council Decision, without a further decision of the Council.

Article 2

This Decision shall enter into force on the date of its adoption.

Done at ...,

For the Council

The President
