



Council of the
European Union

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DECLASSIFICATION

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Subject: Recommendation for a COUNCIL DECISION authorising the opening of negotiations on an agreement between the European Union and the Russian Federation on the operation of the Nord Stream 2 pipeline
- Steering note for the EWP of 25 July 2017

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.



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NOTE

From: General Secretariat of the Council

To: Delegations

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In view of the Energy Working Party on 25 July, delegations will find in annex a note from the Presidency on the above.

Steering note for the EWP discussion on 25 July: recommendation for a negotiation mandate

To start the discussion, the Commission will be invited to give an in-depth explanation on the reasoning behind the recommendation, including the legal aspects, as requested by the Member States during the presentation of the AOB point at the Working Party on June 20 and the TTE Council on 26 June. The Presidency will give the opportunity to the Member States to address clarifying questions to the Commission.

Subsequently, the Presidency will open the floor for a broader discussion, inviting the Member States to include the two following aspects in their reflections.

(1) *The Scope*: what are the views of the Member States on the recommendation of the Commission addressing specifically one pipeline? Would the Member States see a need for a legal framework covering also other supply routes of gas from Russia to the EU? Which ones?

Reasoning: The recommendation is currently aimed at starting negotiations with the Russian Federation on an agreement regarding the regulatory framework for the operation of the Nord Stream 2 pipeline. At the same time, the Commission states that the construction of Nord Stream 2 would have implications on the existing transport routes, does not contribute to the Energy Union objectives, and that the pipeline cannot operate in a legal void. Logically, this would also apply to the other pipelines originating from Russia. However, the recommendation is only limited to Nord Stream 2.

(2) *The Ambition*: what should be the requirements on the operation of the pipeline(s) originating from Russia with regards to the Third Energy Package?

Reasoning: The EU receives gas via pipelines from several third countries. From the EEA and Energy Community Contracting Parties the Union requests full implementation of the relevant Union Acquis and in particular the Third Energy Package. In other cases the gas is delivered to the EU border based on an international agreement or a contract while the Third Energy Package applies, without exemptions, from the border onwards (e.g. pipelines across the Mediterranean Sea).

The Presidency hopes that the discussion would serve as guidance for the next steps in handling this matter.