



**2016/0031(COD)**

15.6.2016

# **AMENDMENTS**

## **9 - 46**

**Draft opinion**

**Eduard Kukan**

(PE582.061v01-00)

Establishing an information exchange mechanism with regard to intergovernmental agreements and non-binding instruments between Member States and third countries in the field of energy and repealing Decision No 994/2012/EU

Proposal for a decision

(COM(2016)0053 – C8-0034/2016 – 2016/0031(COD))



**Amendment 9**  
**Tonino Picula**

**Proposal for a decision**  
**Recital 1**

*Text proposed by the Commission*

(1) The proper functioning of the internal energy market requires that the energy imported into the Union be fully governed by the rules establishing the internal energy market. An internal energy market that does not function properly puts the Union in a vulnerable and disadvantageous position with regard to security of energy supply, and undermines its potential benefits to European consumers and industry.

*Amendment*

(1) The proper functioning of the internal energy market requires that the energy imported into the Union be fully governed by the rules establishing the internal energy market. ***Transparency and compliance with the EU law represents an important element in ensuring energy stability of the EU.*** An internal energy market that does not function properly puts the Union in a vulnerable and disadvantageous position with regard to security of energy supply, and undermines its potential benefits to European consumers and industry.

Or. en

**Amendment 10**  
**Urmaz Paet**

**Proposal for a decision**  
**Recital 1 a (new)**

*Text proposed by the Commission*

***(1a) In order to safeguard the European Union's energy supply, it is necessary to diversify energy sources and build new energy interconnections between Member States. At the same time, it is essential to increase energy-security cooperation with the European Union's neighbouring countries, with strategic partners and also among the European institutions.***

Or. et

**Amendment 11**  
**Charles Tannock**  
on behalf of the ECR Group  
**Anna Elżbieta Fotyga**

**Proposal for a decision**  
**Recital 2**

*Text proposed by the Commission*

(2) The objective of the Energy Union Strategy, as adopted by the Commission on 25 February 2015<sup>8</sup>, is to give consumers secure, sustainable, competitive and affordable energy. More precisely, the Energy Union Strategy emphasizes that full compliance of agreements related to the buying of energy from third countries with Union law is an important element in ensuring energy security, building on the analysis already carried out in the European Energy Security Strategy of May 2014<sup>9</sup>. In the same spirit, the European Council in its conclusions of 19 March 2015 called for full compliance with Union law of all agreements related to the buying of gas from external suppliers, notably by reinforcing transparency of such agreements and compatibility with Union energy security provisions.

---

<sup>8</sup> COM(2015)80

<sup>9</sup> COM (2014)330

*Amendment*

(2) The objective of the Energy Union Strategy, as adopted by the Commission on 25 February 2015<sup>8</sup>, is to give consumers secure, sustainable, competitive and affordable energy. More precisely, the Energy Union Strategy emphasizes that full compliance of agreements related to the buying of energy from third countries with Union law is an important element in ensuring energy security, building on the analysis already carried out in the European Energy Security Strategy of May 2014<sup>9</sup>. In the same spirit, the European Council in its conclusions of 19 March 2015 called for full compliance with Union law of all agreements related to the buying of gas from external suppliers, notably by reinforcing transparency of such agreements and compatibility with Union energy security provisions. ***Given the above, the Commission should attempt, within its competence and with respect to the rules of subsidiarity and proportionality, to ensure that dominant gas suppliers in a region do not abuse their position in breach of EU antitrust rules, with particular reference to unfair prices charged in Member States as well as to the use of interruptions in supplies for economic and political blackmail.***

---

<sup>8</sup> COM(2015)80

<sup>9</sup> COM (2014)330

Or. en

**Amendment 12**  
**Tonino Picula**

**Proposal for a decision**  
**Recital 5**

*Text proposed by the Commission*

(5) In order to avoid any incompliance with Union law and enhance transparency, Member States should inform the Commission of their intent to enter into negotiations with regard to new intergovernmental agreements or amendments to existing intergovernmental agreements as soon as possible. The Commission should be kept informed regularly of the progress of the negotiations. Member States should have the possibility to invite the Commission to participate in the negotiations as an observer.

*Amendment*

(5) In order to avoid any incompliance with Union law and **provisions on energy security of the EU, and to** enhance transparency, Member States should inform the Commission of their intent to enter into negotiations with regard to new intergovernmental agreements or amendments to existing intergovernmental agreements as soon as possible. The Commission should be kept informed regularly **and adequately** of the progress of the negotiations. Member States should have the possibility to invite the Commission to participate in the negotiations as an observer.

Or. en

**Amendment 13**  
**Georgios Epitideios**

**Proposal for a decision**  
**Recital 5**

*Text proposed by the Commission*

(5) In order to avoid any incompliance with Union law and enhance transparency, Member States should inform the Commission of their intent to enter into negotiations with regard to new intergovernmental agreements or amendments to existing intergovernmental agreements as soon as possible. **The Commission should be kept informed regularly of the progress of the negotiations.** Member States **should** have the possibility to invite the Commission to participate in the negotiations as an

*Amendment*

(5) In order to avoid any incompliance with Union law and enhance transparency, Member States should inform the Commission of their intent to enter into negotiations with regard to new intergovernmental agreements or amendments to existing intergovernmental agreements as soon as possible. **This information should include a commitment by the State that the intergovernmental agreement shall follow the rules of European Union law and, generally, any amendments made to the text of the**

observer.

*existing agreement.* Member States *shall* have the possibility, *should they so desire*, to invite the Commission to participate in the negotiations as an observer.

Or. el

**Amendment 14**  
**Georgios Epitideios**

**Proposal for a decision**  
**Recital 6**

*Text proposed by the Commission*

(6) During the negotiations the Commission should have the possibility to *advise* on how to avoid incompatibility with Union law. In particular, the Commission could develop, together with Member States, optional model clauses or guidelines. The Commission should have the possibility to draw attention to the Union's energy policy objectives and the principle of solidarity between Member States and Union policy positions adopted in Council or European Council conclusions.

*Amendment*

(6) During the negotiations, *at the request of the Member State in question*, the Commission should have the possibility to *advise* on how to avoid incompatibility with Union law. In particular, the Commission could develop, together with Member States, optional model clauses or guidelines. The Commission should have the possibility to draw attention to the Union's energy policy objectives and the principle of solidarity between Member States and Union policy positions adopted in Council or European Council conclusions.

Or. el

**Amendment 15**  
**Eduard Kukan**

**Proposal for a decision**  
**Recital 6**

*Text proposed by the Commission*

(6) During the negotiations the Commission should have the possibility to advice on how to avoid incompatibility with Union law. In particular, the Commission *could* develop, together with

*Amendment*

(6) During the negotiations the Commission should have the possibility to advice on how to avoid incompatibility with Union law. In particular, the Commission *should* develop, together with

Member States, optional model clauses or guidelines. The Commission should have the possibility to draw attention to the Union's energy policy objectives and the principle of solidarity between Member States and Union policy positions adopted in Council or European Council conclusions.

Member States, optional model clauses or guidelines. The Commission should have the possibility to draw attention to the Union's energy policy **objectives including energy security** objectives and the principle of solidarity between Member States and Union policy positions adopted in Council or European Council conclusions.

Or. en

## **Amendment 16** **Tonino Picula**

### **Proposal for a decision** **Recital 6**

#### *Text proposed by the Commission*

(6) During the negotiations the Commission should have the possibility to advice on how to avoid incompatibility with Union law. In particular, the Commission **could** develop, together with Member States, optional model clauses **or** guidelines. The Commission should have the possibility to draw attention to the Union's energy policy objectives and the principle of solidarity between Member States and Union policy positions adopted in Council or European Council conclusions.

#### *Amendment*

(6) During the negotiations the Commission should have the possibility to advice on how to avoid incompatibility with Union law. In particular, the Commission **should** develop, together with Member States, optional model clauses **and** guidelines. The Commission should have the possibility to draw attention to the Union's energy policy objectives and the principle of solidarity between Member States and Union policy positions adopted in Council or European Council conclusions.

Or. en

## **Amendment 17** **Georgios Epitideios**

### **Proposal for a decision** **Recital 7**

#### *Text proposed by the Commission*

(7) In order to ensure compliance with

#### *Amendment*

(7) In order to ensure compliance with

Union law, Member States should notify the draft intergovernmental agreement to the Commission before it becomes legally binding for the parties (ex-ante). In a spirit of cooperation, the Commission should support the Member State in identifying compliance issues of the draft intergovernmental agreement or amendment. The respective Member State would then be better prepared to conclude a Union law compliant agreement. The Commission should have sufficient time for such an assessment in order to provide for as much legal certainty as possible while avoiding undue delays. In order to fully benefit from the Commission's support Member States should refrain from concluding an intergovernmental agreement until the Commission has informed the Member State of its assessment. The Member States should take all necessary steps to find a suitable solution to eliminate the incompatibility identified.

Union law, Member States should notify the draft intergovernmental agreement to the Commission before it becomes legally binding for the parties (ex-ante). In a spirit of cooperation, the Commission should support the Member State in identifying compliance issues of the draft intergovernmental agreement or amendment. ***The Commission should therefore also identify problems that may arise due to possible deviations of the law of a signatory third country from EU law.*** The respective Member State would then be better prepared to conclude a Union law compliant agreement. The Commission should have sufficient time for such an assessment in order to provide for as much legal certainty as possible while avoiding undue delays. In order to fully benefit from the Commission's support Member States should refrain from concluding an intergovernmental agreement until the Commission has informed the Member State of its assessment. The Member States should take all necessary steps to find a suitable solution to eliminate the incompatibility identified.

Or. el

## **Amendment 18**

**Tonino Picula**

### **Proposal for a decision**

**Recital 7**

#### *Text proposed by the Commission*

(7) In order to ensure compliance with Union law, Member States should notify the draft intergovernmental agreement to the Commission before it becomes legally binding for the parties (ex-ante). In a spirit of cooperation, the Commission should support the Member State in identifying compliance issues of the draft intergovernmental agreement or

#### *Amendment*

(7) In order to ensure compliance with Union law ***and provisions on energy security of the EU***, Member States should notify the draft intergovernmental agreement to the Commission before it becomes legally binding for the parties (ex-ante). In a spirit of cooperation, the Commission should support the Member State in identifying compliance issues of



amendment. The respective Member State would then be better prepared to conclude a Union law compliant agreement. The Commission should have sufficient time for such an assessment in order to provide for as much legal certainty *as possible while avoiding* undue delays. In order to fully benefit from the Commission's support Member States should refrain from concluding an intergovernmental agreement until the Commission has informed the Member State of its assessment. The Member States should take all necessary steps to find a suitable solution to eliminate the incompatibility identified.

the draft intergovernmental agreement or amendment. The respective Member State would then be better prepared to conclude a Union law compliant agreement. The Commission should have sufficient time for such an assessment in order to provide for as much legal certainty. *The Commission should avoid* undue delays *that can have a negative effect on the negotiating position of the Member State.* In order to fully benefit from the Commission's support Member States should refrain from concluding an intergovernmental agreement until the Commission has informed the Member State of its assessment. The Member States should take all necessary steps to find a suitable solution to eliminate the incompatibility identified.

Or. en

## **Amendment 19**

### **Eduard Kukan**

#### **Proposal for a decision**

##### **Recital 7**

###### *Text proposed by the Commission*

(7) In order to ensure compliance with Union law, Member States should notify the draft intergovernmental agreement to the Commission before it becomes legally binding for the parties (ex-ante). In a spirit of cooperation, the Commission should support the Member State in identifying compliance issues of the draft intergovernmental agreement or amendment. The respective Member State would then be better prepared to conclude a Union law compliant agreement. The Commission should have sufficient time for such an assessment in order to provide for as much legal certainty as possible while avoiding undue delays. In order to fully benefit from the Commission's

###### *Amendment*

(7) In order to ensure compliance with Union law, Member States should notify the draft intergovernmental agreement to the Commission before it becomes legally binding for the parties (ex-ante). In a spirit of cooperation, the Commission should support the Member State in identifying compliance issues of the draft intergovernmental agreement or amendment. The respective Member State would then be better prepared to conclude a Union law compliant agreement. The Commission should have sufficient time for such an assessment in order to provide for as much legal certainty as possible while avoiding undue delays. In order to fully benefit from the Commission's

support Member States should refrain from concluding an intergovernmental agreement until the Commission has informed the Member State of its assessment. ***The Member States should take all necessary steps to*** find a suitable solution to eliminate the incompatibility identified.

support Member States should refrain from concluding an intergovernmental agreement until the Commission has informed the Member State of its assessment. ***Where the Commission finds that draft international agreement does not comply with Union law, the Member State(s) concerned should*** find a suitable solution to eliminate the incompatibility identified.

Or. en

**Amendment 20**  
**Tonino Picula**

**Proposal for a decision**  
**Recital 8**

*Text proposed by the Commission*

(8) In light of the Energy Union Strategy, transparency with regard to past and future intergovernmental agreements continues to be of utmost importance. Therefore, Member States should continue notifying to the Commission existing and future intergovernmental agreements, whether they have entered into force or are being applied provisionally within the meaning of Article 25 of the Vienna Convention on the Law of Treaties, and new intergovernmental agreements.

*Amendment*

(8) In light of the Energy Union Strategy, transparency with regard to past and future intergovernmental agreements continues to be of utmost importance ***and is an important element in ensuring energy stability of the EU.*** Therefore, Member States should continue notifying to the Commission existing and future intergovernmental agreements, whether they have entered into force or are being applied provisionally within the meaning of Article 25 of the Vienna Convention on the Law of Treaties, and new intergovernmental agreements.

Or. en

**Amendment 21**  
**Charles Tannock**  
on behalf of the ECR Group  
**Anna Elżbieta Fotyga**

**Proposal for a decision**  
**Recital 9**

*Text proposed by the Commission*

(9) The Commission should assess the compatibility with Union law of intergovernmental agreements that entered into force or are applied provisionally prior to the entry into force of this Decision and inform the Member States accordingly. In the event of incompatibility, Member States should take all necessary steps to find a suitable solution to eliminate the incompatibility identified.

*Amendment*

(9) The Commission should assess the compatibility with Union law of intergovernmental agreements that entered into force or are applied provisionally prior to the entry into force of this Decision and inform the Member States accordingly. In the event of incompatibility, Member States should take all necessary steps to find a suitable solution to eliminate the incompatibility identified. ***The Commission should be particularly encouraged to further investigate the project of the pipeline Nord Stream 2 in terms of its compatibility with the acquis, especially with the Third Energy Package and Third Gas Directive adopted in 2009 as well the main principles of the current Energy Union project.***

Or. en

**Amendment 22**  
**Tonino Picula**

**Proposal for a decision**  
**Recital 10**

*Text proposed by the Commission*

(10) This Decision should only apply to intergovernmental agreements that have an impact on the internal energy market or the security of energy supply in the Union. In case of doubt, Member States should consult the Commission. In principle, agreements that are no longer in force or are no longer applied do not have an impact on the internal energy market or on the security of energy supply in the Union and should therefore not be covered by this Decision.

*Amendment*

(10) This Decision should only apply to intergovernmental agreements that have an impact on the internal energy market or the security of energy supply in the Union ***and in transiting countries***. In case of doubt, Member States should consult the Commission. In principle, agreements that are no longer in force or are no longer applied do not have an impact on the internal energy market or on the security of energy supply in the Union and should therefore not be covered by this Decision.

Or. en

**Amendment 23**  
**Eduard Kukan**

**Proposal for a decision**  
**Recital 11**

*Text proposed by the Commission*

(11) Member States establish relations to third countries not only by concluding intergovernmental agreements, but also in the form of non-binding instruments. Even if legally non-binding, such instruments can be used to set out a detailed framework for energy infrastructure and energy supply. In this respect non-binding instruments can have similar impacts on the internal energy market as intergovernmental agreements as their implementation might result in a violation of Union law. In order to ensure greater transparency regarding all measures applied by Member States that can have an impact on the internal energy market and energy security, Member States should therefore submit to the Commission, *ex post*, also the respective non-binding instruments. The Commission should assess the submitted non-binding instruments and, if appropriate, inform the Member State accordingly.

*Amendment*

(11) Member States establish relations to third countries not only by concluding intergovernmental agreements, but also in the form of non-binding instruments. Even if legally non-binding, such instruments can be used to set out a detailed framework for energy infrastructure and energy supply. In this respect non-binding instruments can have similar impacts on the internal energy market as intergovernmental agreements as their implementation might result in a violation of Union law. In order to ensure greater transparency regarding all measures applied by Member States that can have an impact on the internal energy market and energy security, Member States should therefore submit to the Commission, also the respective non-binding instruments. The Commission should assess the submitted non-binding instruments and, if appropriate, inform the Member State accordingly.

Or. en

**Amendment 24**  
**Georgios Epitideios**

**Proposal for a decision**  
**Recital 14**

*Text proposed by the Commission*

(14) The Commission should make information it receives available to all other Member States in secure electronic

*Amendment*

(14) The Commission should make information it receives available to all other Member States in secure electronic

form. The Commission should respect requests from Member States to treat information submitted to it as confidential. ***Requests for confidentiality should, however, not restrict access of the Commission itself to confidential information, as the Commission needs to have comprehensive information for its own assessments.*** The Commission should be responsible for guaranteeing the application of the confidentiality clause. Requests for confidentiality should be without prejudice to the right of access to documents as provided for in Regulation (EC) No 1049/2001 of the European Parliament and of the Council<sup>11</sup>.

---

<sup>11</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 299, 27.10.2002, p. 13).

form. The Commission should respect requests from Member States to treat information submitted to it as confidential. The Commission should be responsible for guaranteeing the application of the confidentiality clause. Requests for confidentiality should be without prejudice to the right of access to documents as provided for in Regulation (EC) No 1049/2001 of the European Parliament and of the Council<sup>11</sup>.

---

<sup>11</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 299, 27.10.2002, p. 13).

Or. el

## **Amendment 25**

### **Eduard Kukan**

#### **Proposal for a decision**

##### **Recital 16**

###### *Text proposed by the Commission*

(16) A permanent exchange of information on intergovernmental agreements at Union level should enable best practices to be developed. On the basis of those best practices, the Commission, where appropriate in cooperation with the European External Action Service as regards the Union's external policies, should develop optional model clauses to be used in intergovernmental agreements between Member States and third countries. The use of such model clauses

###### *Amendment*

(16) A permanent exchange of information on intergovernmental agreements at Union level should enable best practices to be developed. On the basis of those best practices, the Commission, where appropriate in cooperation with the European External Action Service as regards the Union's external policies, should develop optional model clauses to be used in intergovernmental agreements between Member States and third countries. The use of such model clauses

should aim to avoid conflicts of intergovernmental agreements with Union law, in particular internal energy market rules and competition law, and conflicts with international agreements concluded by the Union. Their use should be optional, and it should be possible to adapt their content to any particular circumstance.

should aim to avoid conflicts of intergovernmental agreements with Union law, in particular internal energy market rules and competition law, and conflicts with international agreements concluded by the Union. ***The Commission should also provide guidelines to avoid incompatibility of intergovernmental agreements with Union's energy security objectives.*** Their use should be optional, and it should be possible to adapt their content to any particular circumstance.

Or. en

**Amendment 26**  
**Tonino Picula**

**Proposal for a decision**  
**Recital 16**

*Text proposed by the Commission*

(16) A permanent exchange of information on intergovernmental agreements at Union level should enable best practices to be developed. On the basis of those best practices, the Commission, where appropriate in cooperation with the European External Action Service as regards the Union's external policies, should develop optional model clauses to be used in intergovernmental agreements between Member States and third countries. The use of such model clauses should aim to avoid conflicts of intergovernmental agreements with Union law, in particular internal energy market rules and competition law, and conflicts with international agreements concluded by the Union. Their use should be optional, and it should be possible to adapt their content to any particular circumstance.

*Amendment*

(16) A permanent exchange of information on intergovernmental agreements at Union level should enable best practices to be developed. On the basis of those best practices, the Commission, where appropriate in cooperation with the European External Action Service as regards the Union's external policies, should develop optional model clauses ***and guidelines*** to be used in intergovernmental agreements between Member States and third countries. The use of such model clauses should aim to avoid conflicts of intergovernmental agreements with Union law, in particular internal energy market rules and competition law, and conflicts with international agreements concluded by the Union. Their use should be optional, and it should be possible to adapt their content to any particular circumstance.

Or. en

**Amendment 27**  
**Eduard Kukan**

**Proposal for a decision**  
**Article 2 – paragraph 1 – point 3**

*Text proposed by the Commission*

(3) ‘non-binding instrument’ means a legally non-binding arrangement between one or more Member States and one or more third countries, such as a memorandum of understanding, joint declaration, ministerial joint declaration, joint action or joint code of conduct, which contains interpretation of Union law, sets the conditions for energy supply (such as volumes and prices) or the development of energy infrastructures;

*Amendment*

(3) ‘non-binding instrument’ means a legally non-binding arrangement between one or more Member States and one or more third countries, such as a memorandum of understanding, joint declaration, ministerial joint declaration, joint action or joint code of conduct, which contains interpretation of Union law, sets the conditions for energy supply (such as volumes and prices) or the development ***or operation*** of energy infrastructures;

Or. en

**Amendment 28**  
**Georgios Epitideios**

**Proposal for a decision**  
**Article 3 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

Where the Member State gives the Commission such notice of negotiations, the Member State concerned should keep the Commission regularly informed of the progress of the negotiations.

*Amendment*

Where the Member State gives the Commission such notice of negotiations, the Member State concerned should keep the Commission regularly informed of the progress of the negotiations, ***if it considers that the negotiations may have an impact on the functioning of the EU internal energy market.***

Or. el

**Amendment 29**  
**Georgios Epitideios**

**Proposal for a decision**  
**Article 4 – paragraph 1**

*Text proposed by the Commission*

1. Where a Member State gives the Commission notice of negotiations pursuant to Article 3(1), the Commission services may provide it with advice on how to avoid the incompatibility of the intergovernmental agreement or of the amendment to an existing intergovernmental agreement under negotiation with Union law. That Member State may also request the assistance of the Commission in those negotiations.

*Amendment*

1. Where a Member State gives the Commission notice of negotiations pursuant to Article 3(1), the Commission services may, ***if the Member States so requests***, provide it with advice on how to avoid the incompatibility of the intergovernmental agreement or of the amendment to an existing intergovernmental agreement under negotiation with Union law. That Member State may also request the assistance of the Commission in those negotiations.

Or. el

**Amendment 30**  
**Tonino Picula**

**Proposal for a decision**  
**Article 4 – paragraph 1**

*Text proposed by the Commission*

1. Where a Member State gives the Commission notice of negotiations pursuant to Article 3(1), the Commission services may provide it with advice on how to avoid the incompatibility of the intergovernmental agreement or of the amendment to an existing intergovernmental agreement under negotiation with Union law. That Member State may also request the assistance of the Commission in those negotiations.

*Amendment*

1. Where a Member State gives the Commission notice of negotiations pursuant to Article 3(1), the Commission services may provide it with advice ***and guidelines*** on how to avoid the incompatibility of the intergovernmental agreement or of the amendment to an existing intergovernmental agreement under negotiation with Union law. That Member State may also request the assistance of the Commission in those negotiations.

Or. en

**Amendment 31**  
**Eduard Kukan**



**Proposal for a decision**  
**Article 4 – paragraph 3**

*Text proposed by the Commission*

3. Where the Commission participates in the negotiations as an observer, it may provide the Member State concerned with advice on how to avoid the incompatibility of the intergovernmental agreement or amendment under negotiation with Union law.

*Amendment*

3. Where the Commission participates in the negotiations as an observer, it may provide the Member State concerned with advice on how to avoid the incompatibility of the intergovernmental agreement or amendment under negotiation with Union law **and Union's energy security objectives**.

Or. en

**Amendment 32**  
**Tonino Picula**

**Proposal for a decision**  
**Article 4 – paragraph 3**

*Text proposed by the Commission*

3. Where the Commission participates in the negotiations as an observer, it may provide the Member State concerned with advice on how to avoid the incompatibility of the intergovernmental agreement or amendment under negotiation with Union law.

*Amendment*

3. Where the Commission participates in the negotiations as an observer, it may provide the Member State concerned with advice **and guidelines** on how to avoid the incompatibility of the intergovernmental agreement or amendment under negotiation with Union law.

Or. en

**Amendment 33**  
**Eduard Kukan**

**Proposal for a decision**  
**Article 5 – paragraph 4 – subparagraph 2**

*Text proposed by the Commission*

**When** signing, ratifying or agreeing to an intergovernmental agreement or

*Amendment*

**Before** signing, ratifying or agreeing to an intergovernmental agreement or

amendment, the Member State concerned shall take utmost account of the Commission's opinion referred to in paragraph 2.

amendment, the Member State concerned shall take utmost account of the Commission's opinion referred to in paragraph 2.

Or. en

**Amendment 34**  
**Georgios Epitideios**

**Proposal for a decision**  
**Article 6 – paragraph 3**

*Text proposed by the Commission*

3. The Commission shall assess intergovernmental agreements notified in accordance with paragraph 1 or 2. Where, following its first assessment, the Commission has doubts as to the compatibility of those agreements with Union law, in particular with internal energy market legislation and Union competition law, the Commission shall inform the Member States concerned accordingly within *nine* months of the notification of those agreements.

*Amendment*

3. The Commission shall assess intergovernmental agreements notified in accordance with paragraph 1 or 2. Where, following its first assessment, the Commission has doubts as to the compatibility of those agreements with Union law, in particular with internal energy market legislation and Union competition law, the Commission shall inform the Member States concerned accordingly within *six* months *at the latest* of the notification of those agreements.

Or. el

**Amendment 35**  
**Eduard Kukan**

**Proposal for a decision**  
**Article 7 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Upon* adopting a non-binding instrument or an amendment to a non-binding instrument, the Member State concerned shall notify the non-binding instrument or the amendment, including any annexes thereto, to the Commission.

*Amendment*

*Before* adopting a non-binding instrument or an amendment to a non-binding instrument, the Member State concerned shall notify the non-binding instrument or the amendment, including any annexes thereto, to the Commission.

**Amendment 36**  
**Georgios Epitideios**

**Proposal for a decision**  
**Article 7 – paragraph 4**

*Text proposed by the Commission*

4. Where, following its first assessment, the Commission considers that the measures implementing the non-binding instrument notified to it under paragraphs 1 and 2 could conflict with Union law, in particular with internal energy market legislation and Union competition law, the Commission *may* inform the Member State concerned accordingly.

*Amendment*

4. Where, following its first assessment, the Commission considers that the measures implementing the non-binding instrument notified to it under paragraphs 1 and 2 could conflict with Union law, in particular with internal energy market legislation and Union competition law, the Commission *must* inform the Member State concerned accordingly.

Or. el

**Amendment 37**  
**Georgios Epitideios**

**Proposal for a decision**  
**Article 8 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

When providing information to the Commission in accordance with Article 3(1) to (3), Article 6(1) and Article 7(1) and (2), a Member State may indicate whether any part of the information, be it commercial or other information the disclosure of which could harm the activities of the parties involved, is to be regarded as confidential *and whether the information provided can* be shared with other Member States.

*Amendment*

When providing information to the Commission in accordance with Article 3(1) to (3), Article 6(1) and Article 7(1) and (2), a Member State may indicate whether any part of the information, be it commercial or other information the disclosure of which could harm the activities of the parties involved, is to be regarded as confidential, *in which case the information provided must not* be shared with other Member States.

Or. el

**Amendment 38**  
**Georgios Epitideios**

**Proposal for a decision**  
**Article 8 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

Where a Member State has identified as confidential in accordance with paragraph 1 an existing intergovernmental agreement, an amendment to an existing intergovernmental agreement, a new intergovernmental agreement, an existing non-binding instrument, an amendment to an existing non-binding instrument or a new non-binding instrument, that Member State **shall** make available a summary of the information submitted.

*Amendment*

Where a Member State has identified as confidential in accordance with paragraph 1 an existing intergovernmental agreement, an amendment to an existing intergovernmental agreement, a new intergovernmental agreement, an existing non-binding instrument, an amendment to an existing non-binding instrument or a new non-binding instrument, that Member State **may** make available a summary of the information submitted, ***provided its interests are not thereby compromised.***

Or. el

**Amendment 39**  
**Georgios Epitideios**

**Proposal for a decision**  
**Article 8 – paragraph 3 – subparagraph 2 – introductory part**

*Text proposed by the Commission*

That summary shall contain at least the following information ***regarding the intergovernmental agreement, non-binding instrument or amendment in question:***

*Amendment*

That summary shall contain at least the following information ***which the Member State considers to be sufficient to give a general picture without compromising its interests:***

Or. el

**Amendment 40**  
**Georgios Epitideios**

**Proposal for a decision**  
**Article 8 – paragraph 3 – subparagraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

*a) the subject matter; deleted*

Or. el

**Amendment 41**  
**Georgios Epitideios**

**Proposal for a decision**  
**Article 8 – paragraph 3 – subparagraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

*b) the aim and the scope; deleted*

Or. el

**Amendment 42**  
**Georgios Epitideios**

**Proposal for a decision**  
**Article 8 – paragraph 3 – subparagraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

*c) the duration; deleted*

Or. el

**Amendment 43**  
**Georgios Epitideios**

**Proposal for a decision**  
**Article 8 – paragraph 3 – subparagraph 2 – point d**

*Text proposed by the Commission*

*Amendment*

*d) the parties; deleted*

**Amendment 44**  
**Georgios Epitideios**

**Proposal for a decision**  
**Article 8 – paragraph 3 – subparagraph 2 – point e**

*Text proposed by the Commission*

*Amendment*

e) *information on the main elements.* *deleted*

Or. el

**Amendment 45**  
**Georgios Epitideios**

**Proposal for a decision**  
**Article 8 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

5. *Requests for confidentiality under this Article shall not restrict the access of the Commission itself to confidential information. The Commission shall ensure that access to the confidential information is strictly limited to the Commission services for which it is absolutely necessary to have the information available.* *deleted*

Or. el

**Amendment 46**  
**Tonino Picula**

**Proposal for a decision**  
**Article 9 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) on the basis of best practices and in consultation with Member States,

(c) on the basis of best practices and in consultation with Member States,

developing optional model clauses, which, if applied, would significantly improve compliance of future intergovernmental agreements and non-binding instruments with Union law;

developing optional model clauses *and guidelines*, which, if applied, would significantly improve compliance of future intergovernmental agreements and non-binding instruments with Union law;

Or. en