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Committee on Industry, Research and Energy

2011/0238(COD)

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AMENDMENTS 20 - 131

Draft report

Krišjānis Kariņš

(PE475.868v01-00)

on the proposal for a decision of the European Parliament and of the Council setting up an information exchange mechanism with regards to intergovernmental agreements between Member States and third countries in the field of energy

Proposal for a decision

(COM(2011)0540 – C7-0235/2011 – 2011/0238(COD))

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EN

United in diversity

EN

Amendment 20

Yannick Jadot

on behalf of the Verts/ALE Group

Proposal for a decision

Citation 1

Text proposed by the Commission

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 194 thereof,

Amendment

Having regard to the Treaty ***establishing the European Atomic Energy Community (Euratom) and to the Treaty*** on the Functioning of the European Union, and in particular Article 194 thereof,

Or. en

Justification

This Decision shall cover an information exchange mechanism on intergovernmental agreements in the field of energy, therefore including trade on all forms of energy. The legal base must be adapted to this purpose.

Amendment 21

Niki Tzavela

Proposal for a decision

Recital 2

Text proposed by the Commission

(2) Union-law requires Member States to take all appropriate measures to ensure fulfilment of the obligations arising out of the Treaties ***or resulting from the acts of the institutions of the Union***. Member States should therefore avoid or eliminate any incompatibilities between Union law and international agreements concluded between Member States and third countries.

Amendment

(2) Union-law requires Member States to take all appropriate measures to ensure fulfilment of the obligations arising out of the Treaties ***and the Third Energy Package***. Member States should therefore avoid or eliminate any incompatibilities between Union law and international agreements concluded between Member States and third countries.

Or. en

Justification

The purpose of this decision is to provide an information exchange mechanism on IGA between Member States and third countries, so that the Commission can be better informed about agreements entered into by Member States. According to the scope of this decision, the Commission should provide legal advice to Member States when negotiating with third countries. Legal issues should be considered separate to politico-economic considerations that arise out of ad hoc decisions of the Unions institutions

Amendment 22 **Takis Hadjigeorgiou**

Proposal for a decision **Recital 2 a (new)**

Text proposed by the Commission

Amendment

(2a) Recognising the central role played by international cooperation in the field of energy, all intergovernmental agreements must be based on the principle of mutual respect with the third countries involved.

Or. en

Amendment 23 **Takis Hadjigeorgiou**

Proposal for a decision **Recital 3**

Text proposed by the Commission

Amendment

(3) The proper functioning of the internal energy market requires that the energy imported into the Union from third countries, ***is fully governed by the rules establishing an internal energy market.*** An internal energy market that is not functioning properly puts the EU in a vulnerable position with regard to security of energy supply. A high degree of transparency with regard to agreements

(3) Safeguarding consumer protection requires that the ***procedures of*** energy imported into the Union from third countries ***be transparent and take into account the economic interest of consumers.*** An internal energy market that is not functioning properly puts the EU in a vulnerable position with regard to security of energy supply. A high degree of transparency with regard to agreements

between Member States and third countries in the field of energy would allow the Union to take coordinated action, in a spirit of solidarity, in order to ensure that such agreements are in accordance with Union legislation and effectively secure the supply of energy.

between Member States and third countries in the field of energy would allow the Union to take coordinated action, in a spirit of solidarity, in order to ensure that such agreements are in accordance with Union legislation and effectively secure the supply of energy. ***However, it is critically important that Member states should retain responsibility for the content of the intergovernmental agreements.***

Or. en

Amendment 24

Yannick Jadot

on behalf of the Verts/ALE Group

Proposal for a decision

Recital 3

Text proposed by the Commission

(3) The proper functioning of the internal energy market requires that the energy imported into the Union from third countries, is fully governed by the rules establishing an internal energy market. An internal energy market that is not functioning properly puts the EU in a vulnerable position with regard to security of energy supply. A high degree of transparency with regard to agreements between Member States and third countries in the field of energy would allow the Union to take coordinated action, in a spirit of solidarity, in order to ensure that such agreements are in accordance with Union legislation and effectively secure the supply of energy.

Amendment

(3) The proper functioning of the internal energy market requires that the energy imported into the Union from third countries, is fully governed by the rules establishing an internal energy market. An internal energy market that is not functioning properly puts the EU in a vulnerable position with regard to security of energy supply. A high degree of transparency with regard to agreements between Member States and third countries in the field of energy would allow the Union to take coordinated action, in a spirit of solidarity, in order to ensure that such agreements are in accordance with Union legislation and ***with the Union's long-term energy and climate objectives, and effectively secure the supply of energy while avoiding the build-up of surplus capacity and therefore ensuring economic efficiency, sustainability and fair consumer prices.***

Or. en

Amendment 25

Pilar del Castillo Vera, Alejo Vidal-Quadras

Proposal for a decision

Recital 3

Text proposed by the Commission

(3) The proper functioning of the internal energy market requires that the energy imported into the Union from third countries, is fully governed by the rules establishing an internal energy market. An internal energy market that is not functioning properly puts the EU in a vulnerable position with regard to security of energy supply. A high degree of transparency with regard to agreements between Member States and third countries in the field of energy would allow the Union to take coordinated action, in a spirit of solidarity, in order to ensure that such agreements are in accordance with Union legislation and effectively secure the supply of energy.

Amendment

(3) The proper functioning of the internal energy market requires that the energy imported into the Union from third countries, is fully governed by the rules establishing an internal energy market. An internal energy market that is not functioning properly puts the EU in a vulnerable position with regard to security of energy supply ***and would undermine any of its potential benefits to European industry and consumers.*** A high degree of transparency with regard to agreements between Member States and third countries in the field of energy would allow the Union to take coordinated action, in a spirit of solidarity, in order to ensure that such agreements are in accordance with Union legislation and effectively secure the supply of energy.

Or. en

Amendment 26

Giles Chichester

Proposal for a decision

Recital 3

Text proposed by the Commission

(3) The proper functioning of the internal energy market requires that the energy imported into the Union from third countries, is fully governed by the rules establishing an internal energy market. An internal energy market that is not

Amendment

(3) The proper functioning of the internal energy market requires that the energy imported into the Union from third countries, is fully governed by the rules establishing an internal energy market. An internal energy market that is not

functioning properly puts the EU in a vulnerable position with regard to security of energy supply. **A high** degree of transparency with regard to agreements between Member States and third countries in the field of energy would allow the Union to take coordinated action, in a spirit of solidarity, in order to ensure that such agreements are in accordance with Union legislation and effectively secure the supply of energy.

functioning properly puts the EU in a vulnerable position with regard to security of energy supply. **An appropriate** degree of transparency with regard to agreements between Member States and third countries in the field of energy would allow the Union to take coordinated action, in a spirit of solidarity, in order to ensure that such agreements are in accordance with Union legislation and effectively secure the supply of energy.

Or. en

Amendment 27

Pilar del Castillo Vera, Alejo Vidal-Quadras

Proposal for a decision

Recital 4

Text proposed by the Commission

(4) The new information exchange mechanism ***should only*** cover ***intergovernmental agreements which are likely to have an impact on the internal market for energy or on the security of energy supply as these two issues are intrinsically linked. It should comprise in particular*** all intergovernmental agreements which have an impact on the supply of gas, oil or electricity through fixed infrastructure or which have an impact on the amount of energy imported into the Union from third countries.

Amendment

(4) The new information exchange mechanism ***should*** cover all intergovernmental agreements which have an impact on the supply of gas, oil or electricity through fixed infrastructure or which have an impact on the amount of energy imported into the Union from third countries. ***For the purpose of this Decision, agreements between Member States and publicly owned commercial entities in third countries should also be considered "intergovernmental agreements"***.

Or. en

Amendment 28

Takis Hadjigeorgiou

Proposal for a decision

Recital 4

Text proposed by the Commission

(4) The new information exchange mechanism should only cover intergovernmental agreements which are likely to have an impact on the internal market for energy or on the security of energy supply as these two issues are intrinsically linked. It should comprise in particular all intergovernmental agreements which have an impact on the supply of gas, oil or electricity through fixed infrastructure or which have an impact on the amount of energy imported into the Union from third countries.

Amendment

(4) The new information exchange mechanism should only cover intergovernmental agreements ***relating to the import of energy*** which are likely to have an impact on the internal market for energy or on the security of energy supply as these two issues are intrinsically linked. It should comprise in particular all intergovernmental agreements which have an impact on the supply of gas, oil or electricity through fixed infrastructure or which have an impact on the amount of energy imported into the Union from third countries. ***The export of gas, oil or electricity is excluded from the mechanism.***

Or. en

Amendment 29

Maria Da Graça Carvalho

Proposal for a decision

Recital 4

Text proposed by the Commission

(4) The new information exchange mechanism should only cover intergovernmental agreements which ***are likely to*** have an impact on the internal market for energy or on the security of energy supply as these two issues are intrinsically linked. It should comprise in particular all intergovernmental agreements which have an impact on the supply of gas, oil or electricity through fixed infrastructure or which have an impact on the amount of energy imported into the Union from third countries.

Amendment

(4) The new information exchange mechanism should only cover intergovernmental agreements which have an impact on the internal market for energy or on the security of energy supply as these two issues are intrinsically linked. It should comprise in particular all intergovernmental agreements which have an impact on the supply of gas, oil or electricity through fixed infrastructure or which have an impact on the amount of energy imported into the Union from third countries.

Or. en

Amendment 30
Krišjānis Kariņš

Proposal for a decision
Recital 4

Text proposed by the Commission

(4) The new information exchange mechanism should only cover intergovernmental agreements which **are likely to** have an impact on the internal market for energy or on the security of energy supply as these two issues are intrinsically linked. It should comprise in particular all intergovernmental agreements which have an impact on the supply of gas, oil or electricity through fixed infrastructure or which have an impact on the amount of energy imported into the Union from third countries.

Amendment

(4) The new information exchange mechanism should only cover intergovernmental agreements which have an impact on the internal market for energy or on the security of energy supply as these two issues are intrinsically linked. It should comprise in particular all intergovernmental agreements which have an impact on the supply of gas, oil or electricity through fixed infrastructure or which have an impact on the amount of energy imported into the Union from third countries.

Or. en

Amendment 31
Yannick Jadot
on behalf of the Verts/ALE Group

Proposal for a decision
Recital 4

Text proposed by the Commission

(4) The new information exchange mechanism should only cover intergovernmental agreements which **are likely to** have an impact on the internal market for energy or on the security of energy supply as these two issues are intrinsically linked. It should comprise in particular all intergovernmental agreements which have an impact on the supply of gas, oil or electricity through fixed infrastructure or which have an impact on

Amendment

(4) The new information exchange mechanism should only cover intergovernmental agreements which **may** have an impact on the internal market for energy or on the security of energy supply as these two issues are intrinsically linked. It should comprise in particular all intergovernmental agreements which have an impact on the supply of gas, oil or electricity through fixed infrastructure or which have an impact on the amount of

the amount of energy imported into the Union from third countries.

energy imported into the Union from third countries.

Or. en

Justification

In accordance with the wording of Article 101 and 107 (1) (TFEU) the term 'may have an impact' seems to be more appropriate to describe the diverse current and future impacts for the internal market or energy supply security.

Amendment 32

Yannick Jadot

on behalf of the Verts/ALE Group

Proposal for a decision

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) The Commission should ensure that the interests of European consumers are respected by insisting on compatibility of Intergovernmental Agreements in the field of energy with Union law, especially with the provisions relating to the internal energy market and Third Party Access.

Or. en

Amendment 33

Yannick Jadot

on behalf of the Verts/ALE Group

Proposal for a decision

Recital 4 b (new)

Text proposed by the Commission

Amendment

(4b) For agreements in energy trade concluded with third countries, which principally aim to eliminate trade barriers such as tariffs and quotas, Article 207 TFEU applies.

Amendment 34

Yannick Jadot

on behalf of the Verts/ALE Group

Proposal for a decision

Recital 5

Text proposed by the Commission

(5) Intergovernmental agreements which need to be notified in their entirety to the Commission on the basis of **other Union acts such as** [Regulation (EU) No .../... of the European Parliament and of the Council of ... establishing transitional arrangements for bilateral investment agreements between Member States and third countries] should be excluded from the information exchange mechanism established by this Decision.

Amendment

(5) Intergovernmental agreements which need to be notified in their entirety to the Commission on the basis of [Regulation (EU) No .../... of the European Parliament and of the Council of ... establishing transitional arrangements for bilateral investment agreements between Member States and third countries] should be excluded from the information exchange mechanism established by this Decision. ***The Commission should, however, undertake a screening of such bilateral investment agreements between Member States and third countries regarding specific energy provision contained therein, which have relevance to the scope of this Decision, and should submit a report to the European Parliament and the Council.***

Amendment 35

Bendt Bendtsen

Proposal for a decision

Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) In order to promote the principle of reciprocity in the Union's external energy dimension, Member States should be

encouraged to only sign contracts with third countries which have introduced legislation in the field of energy that corresponds to EU market rules, especially the rules on ownership unbundling in the Third Energy Package¹.

¹ OJ L 211, 14.8.2009.

Or. da

Justification

The integration of energy markets makes the markets more efficient, so investors and market operators should have the same opportunities to operate in third countries as third countries have to operate in the EU.

Amendment 36

Lena Kolarska-Bobińska

Proposal for a decision

Recital 7

Text proposed by the Commission

(7) This Decision should not concern agreements between commercial entities, except and only as far as the intergovernmental agreements refer explicitly to such commercial agreements. Commercial operators negotiating commercial agreements with operators from third countries may nevertheless seek guidance from the Commission in order to avoid potential conflicts with Union law.

Amendment

(7) This Decision should not concern agreements between commercial entities, except and only as far as the intergovernmental agreements refer explicitly to such commercial agreements ***or when, exceptionally, an energy project which has an impact on the internal market for energy or on the security of energy supply lacks an intergovernmental agreement.*** Commercial operators negotiating commercial agreements with operators from third countries may nevertheless seek guidance from the Commission in order to avoid potential conflicts with Union law.

Or. en

Amendment 37
Gaston Franco

Proposal for a decision
Recital 7

Text proposed by the Commission

(7) This Decision *should* not concern agreements between commercial entities, *except and only as far as the intergovernmental agreements refer explicitly to such commercial agreements*. Commercial operators negotiating commercial agreements with operators from third countries may nevertheless seek guidance from the Commission in order to avoid potential conflicts with Union law.

Amendment

(7) This Decision *must* not concern agreements between commercial entities. Commercial operators negotiating commercial agreements with operators from third countries may nevertheless seek guidance from the Commission in order to avoid potential conflicts with Union law.

Or. fr

Amendment 38
Fiorello Provera

Proposal for a decision
Recital 7

Text proposed by the Commission

(7) This Decision should not concern agreements between commercial entities, *except and only as far as the intergovernmental agreements refer explicitly to such commercial agreements*. Commercial operators negotiating commercial agreements with operators from third countries may nevertheless seek guidance from the Commission in order to avoid potential conflicts with Union law.

Amendment

(7) This Decision should not concern agreements between commercial entities. Commercial operators negotiating commercial agreements with operators from third countries may nevertheless seek guidance from the Commission in order to avoid potential conflicts with Union law.

Or. en

Justification

Agreements between commercial operators must be excluded from this Decision since they are essential tools for competition and must remain confidential. Furthermore, recently

adopted EU rules already require private undertakings to notify information concerning commercial contracts to the European Commission (Regulation EU NO 994/2010 and No 1227/2011). Implementing these rules, rather than adopting new ones, should be a priority at this stage for EU institutions.

Amendment 39

Bogdan Kazimierz Marcinkiewicz

Proposal for a decision

Recital 7

Text proposed by the Commission

(7) This Decision should not concern agreements between commercial entities, ***except and only as far as the intergovernmental agreements refer explicitly to such commercial agreements.*** Commercial operators negotiating commercial agreements with operators from third countries may nevertheless seek guidance from the Commission in order to avoid potential conflicts with Union law.

Amendment

(7) This Decision should not concern agreements between commercial entities. Commercial operators negotiating commercial agreements with operators from third countries may nevertheless seek guidance from the Commission in order to avoid potential conflicts with Union law.

Or. en

Amendment 40

Niki Tzavela

Proposal for a decision

Recital 7

Text proposed by the Commission

(7) This Decision should not concern agreements between commercial entities, ***except and only as far as the intergovernmental agreements refer explicitly to such commercial agreements.*** Commercial operators negotiating commercial agreements with operators from third countries may nevertheless seek guidance from the Commission in order to avoid potential conflicts with Union law.

Amendment

(7) This Decision should not concern agreements between commercial entities. Commercial operators negotiating commercial agreements with operators from third countries may nevertheless seek guidance from the Commission in order to avoid potential conflicts with Union law.

Justification

Agreements between commercial operators must be clearly excluded from the Decision. Agreements between commercial entities are essential tools for competition and must remain confidential. Otherwise the commercial strength of any company is harmed. The notification of information concerning commercial contract might entail an asymmetry of information between contracts that have to be notified since they are explicitly mentioned in an IGA and those that do not fall under this obligation. In the interest of not distorting competition, great care has to be taken to make sure the Decision does not have an impact on commercial deals. Furthermore, recently adopted EU rules already require private undertakings to notify information concerning commercial contracts (Regulations (EU) No 994/2010 and No 1227/2011). Implementing these rules rather than adopting new ones should be a priority at this stage for the EU.

Amendment 41 **Bogdan Kazimierz Marcinkiewicz**

Proposal for a decision **Recital 9**

Text proposed by the Commission

(9) Member States should **already notify** the **intention to open negotiations** to the Commission **with regard** to new intergovernmental agreements or amendments to existing intergovernmental agreements. **The** Commission should be kept informed regularly on the ongoing negotiations. **It should have the right** to participate as an observer in the negotiations. Member States may also request the Commission to assist them during their negotiations with third countries.

Amendment

(9) Member States should **have** the **option of informing** the Commission **of negotiations with regard** to new intergovernmental agreements or amendments to existing intergovernmental agreements. **Where a Member State opts to inform the Commission, the** Commission should be kept informed regularly on the ongoing negotiations. **Member States may invite the Commission** to participate as an observer in the negotiations. Member States may also request the Commission to assist them during their negotiations with third countries.

Amendment 42 **Takis Hadjigeorgiou**

Proposal for a decision
Recital 9

Text proposed by the Commission

(9) Member States should **already** notify the intention to open negotiations to the Commission with regard to new intergovernmental agreements or amendments to existing intergovernmental agreements. The Commission should be kept informed regularly on the ongoing negotiations. ***It should have the right to participate as an observer in the negotiations.*** Member States may also request the Commission to assist them during their negotiations with third countries.

Amendment

(9) Member States should notify the intention to open negotiations to the Commission with regard to new intergovernmental agreements or amendments to existing intergovernmental agreements ***within a reasonable period of time.*** The Commission should be kept informed regularly on the ongoing negotiations. Member States may also request the Commission to assist them during their negotiations with third countries. ***However it is important not to jeopardise the ability of Member States to negotiate the content of the agreements.***

Or. en

Amendment 43
Niki Tzavela

Proposal for a decision
Recital 9

Text proposed by the Commission

(9) Member States should **already notify** the ***intention to open negotiations to*** the Commission with regard to new intergovernmental agreements or amendments to existing intergovernmental agreements. ***The*** Commission should be kept informed regularly on the ongoing negotiations. ***It should have the right*** to participate as an observer in the negotiations. Member States may also request the Commission to assist them during their negotiations with third countries.

Amendment

(9) Member States should ***have the option of informing*** the Commission ***of negotiations*** with regard to new intergovernmental agreements or amendments to existing intergovernmental agreements. ***Where a Member State opts to inform the Commission, the*** Commission should be kept informed regularly on the ongoing negotiations. ***Member States may invite the Commission*** to participate as an observer in the negotiations. Member States may also request the Commission to assist them during their negotiations with third countries.

Or. en

Justification

This text is the Council proposal (from 6 December document 14648/3/11 REV 3), with changes noted from the Commission's draft. The Council's proposal is worthy of consideration here since there are fears surrounding the element of confidentiality. The fact of notifying the intention to negotiate an IGA gives the counterparty a negotiating advantage. It could also induce other EU third parties to try to participate in or to jeopardize that negotiation, thus giving the counterparty an additional strength. All this would be extremely detrimental to any viable commercial agreement. When the objectives, matters and conditions of the negotiation are known, an agreement can become completely unviable.

Amendment 44 **Giles Chichester**

Proposal for a decision **Recital 9**

Text proposed by the Commission

(9) Member States should already notify the intention to open negotiations to the Commission with regard to new intergovernmental agreements or amendments to existing intergovernmental agreements. The Commission should be kept informed regularly on the ongoing negotiations. ***It should have the right*** to participate as an observer ***in the negotiations. Member States may also request the Commission*** to assist them ***during*** their negotiations with third countries.

Amendment

(9) Member States should already notify the intention to open negotiations to the Commission with regard to new intergovernmental agreements or amendments to existing intergovernmental agreements. The Commission should be kept informed regularly on the ongoing negotiations. ***Member States may request the Commission*** to participate as an observer ***or*** to assist them ***in*** their negotiations with third countries.

Or. en

Amendment 45 **Yannick Jadot** on behalf of the Verts/ALE Group

Proposal for a decision **Recital 10**

Text proposed by the Commission

(10) The Commission should, ***on its own initiative or on request from the Member State which has negotiated the intergovernmental agreement, have the right to*** assess the compatibility of the negotiated agreement with Union law before the agreement has been signed.

Amendment

(10) The Commission should assess the compatibility of the negotiated agreement with Union law ***and with the Union's long-term energy and climate objectives*** before the agreement has been signed, ***and should issue an opinion regarding the needs for re-negotiation resulting from requirements of Union law, which the concerned Member State should duly take into account. Where the Member State does not take due account of the opinion, the Commission should launch infringement proceedings.***

Or. en

Amendment 46
Giles Chichester

Proposal for a decision
Recital 10

Text proposed by the Commission

(10) The Commission should, on ***its own initiative or on*** request from the Member State which has negotiated the intergovernmental agreement, ***have the right to*** assess the compatibility of the negotiated agreement with Union law before the agreement has been signed.

Amendment

(10) The Commission should, on request from the Member State which has negotiated the intergovernmental agreement, assess the compatibility of the negotiated agreement with Union law before the agreement has been signed.

Or. en

Amendment 47
Takis Hadjigeorgiou

Proposal for a decision
Recital 10

Text proposed by the Commission

(10) The Commission ***should, on its own initiative or*** on request from the Member State which has negotiated the intergovernmental agreement, have the right to assess the compatibility of the negotiated agreement with Union law before the agreement has been signed.

Amendment

(10) The Commission ***could, only*** on request from the Member State which has negotiated the intergovernmental agreement, have the right to assess the compatibility of the negotiated agreement with Union law before the agreement has been signed.

Or. en

Amendment 48

Gaston Franco, Alejo Vidal-Quadras

Proposal for a decision

Recital 11

Text proposed by the Commission

(11) All final, ratified agreements covered by this Decision should be transmitted to the Commission in order to allow for full information of all other Member States.

Amendment

(11) All final, ratified ***intergovernmental*** agreements covered by this Decision should be transmitted to the Commission in order to allow for full information of all other Member States.

Or. fr

Amendment 49

Giles Chichester

Proposal for a decision

Recital 12

Text proposed by the Commission

(12) The Commission should make all ***received*** information available to all other Member States in electronic form. The Commission should respect requests from Member States to treat information, in particular commercial information, submitted as confidential. Requests for

Amendment

(12) The Commission should make all ***appropriate*** information available to all other Member States in electronic form. The Commission should respect requests from Member States to treat information, in particular commercial information, submitted 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 assessment. The requests for confidentiality are 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 of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.¹⁶

confidentiality should however not restrict access of the Commission itself to confidential information as the Commission needs to have comprehensive information for its own assessment. The requests for confidentiality are 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 of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.¹⁶

Or. en

Amendment 50
Lena Kolarska-Bobińska

Proposal for a decision
Recital 12

Text proposed by the Commission

(12) The Commission should make all received information available to all other Member States in electronic form. The Commission should respect requests from Member States to treat information, in particular commercial information, submitted 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 assessment. The requests for confidentiality are 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 of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.¹⁶

Amendment

(12) The Commission should make all received information available to all other Member States in *secure* electronic form. The Commission should respect requests from Member States to treat information, in particular commercial information, submitted 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 assessment. The requests for confidentiality are 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 of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.¹⁶

Or. en

Amendment 51
Krišjānis Kariņš

Proposal for a decision
Recital 13

Text proposed by the Commission

(13) A permanent exchange of information on intergovernmental agreements at Union level should allow to develop best practices. On the basis of those best practices the Commission should recommend standard clauses for the use in intergovernmental agreements between Member States and third countries. The use of these non-binding standard clauses should exclude conflicts of intergovernmental agreements with Union law.

Amendment

(13) A permanent exchange of information on intergovernmental agreements at Union level should allow to develop best practices. On the basis of those best practices the Commission should recommend ***non-binding*** standard clauses for the use in intergovernmental agreements between Member States and third countries. ***In particular, standard clauses should address compliance of the intergovernmental agreement with Union competition law and internal energy market rules.*** The use of these non-binding standard clauses should exclude conflicts of intergovernmental agreements with Union law.

Or. en

Amendment 52
Maria Da Graça Carvalho

Proposal for a decision
Recital 13

Text proposed by the Commission

(13) A permanent exchange of information on intergovernmental agreements at Union level should allow to develop best practices. On the basis of those best practices the Commission should recommend standard clauses for the use in intergovernmental agreements between Member States and third countries. The use of these non-binding standard clauses

Amendment

(13) A permanent exchange of information on intergovernmental agreements at Union level should allow to develop best practices. On the basis of those best practices the Commission should recommend ***non-binding*** standard clauses for the use in intergovernmental agreements between Member States and third countries. The use of these non-

should exclude conflicts of intergovernmental agreements with Union law.

binding standard clauses should exclude conflicts of intergovernmental agreements with Union law.

Or. en

Amendment 53
Bernd Lange

Proposal for a decision
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) Given the existence of an internal market for energy and a common energy strategy in the EU, intergovernmental agreements impact on the common policy. For that reason it must be ensured that intergovernmental agreements are in keeping with the common policy concept.

Or. de

Amendment 54
Bernd Lange

Proposal for a decision
Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) Many energy agreements relate in part to investment. The Energy Charter, for example, includes investment rules. For that reason, consistency must be ensured between energy agreements and investment agreements. In particular, account must be taken in this respect of the European Parliament's rights and recommendations in relation to future investment policy.

Or. de

Amendment 55
Bernd Lange

Proposal for a decision
Recital 14 b (new)

Text proposed by the Commission

Amendment

(14b) The Commission should take on an active and encouraging role in the coordination of intergovernmental agreements in order to ensure that all the targets set can be achieved.

Or. de

Amendment 56
Krišjānis Kariņš, Bernd Lange, Michael Theurer
Yannick Jadot
on behalf of the Verts/ALE Group
Konrad Szymański
on behalf of the ECR Group

Proposal for a decision
Article 1 – paragraph 1

Text proposed by the Commission

Amendment

1. This Decision establishes a mechanism for the exchange of information between Member States and the Commission with regard to intergovernmental agreements.

1. This Decision establishes a mechanism for the exchange of information between Member States and the Commission with regard to intergovernmental agreements, ***in order to strive for consistent external actions in the field of energy, ensure coherence with Union law, and achieve the level of security of supply envisaged by the Union's long-term energy and climate objectives, including those described in the 2050 roadmaps.***

Or. en

Amendment 57
Silvia-Adriana Țicău

Proposal for a decision
Article 1 – paragraph 1

Text proposed by the Commission

(1) This Decision establishes a mechanism for the exchange of information between Member States and the Commission with regard to intergovernmental agreements.

Amendment

(1) This Decision establishes a mechanism for the exchange of information between Member States and the Commission with regard to intergovernmental agreements ***between Member States and third countries in the field of energy.***

Or. ro

Amendment 58
Maria Da Graça Carvalho

Proposal for a decision
Article 1 – paragraph 1

Text proposed by the Commission

1. This Decision establishes a mechanism for the exchange of information between Member States and the Commission with regard to intergovernmental agreements.

Amendment

1. This Decision establishes a mechanism for the exchange of information between Member States and the Commission with regard to intergovernmental agreements ***in the field of energy.***

Or. en

Amendment 59
Michael Theurer

Proposal for a decision
Article 1 – paragraph 2

Text proposed by the Commission

2. Intergovernmental agreements which are already in their entirety subject to other specific notification procedures under

Amendment

2. Intergovernmental agreements which are already in their entirety subject to other specific notification procedures under

Union law, except for intergovernmental agreements which shall be submitted to the Commission in accordance with Article 13(6) of Regulation (EU) No 994/2010, shall not be covered by this Decision.

Union law, except for intergovernmental agreements which shall be submitted to the Commission in accordance with Article 13(6) of Regulation (EU) No 994/2010, shall not be covered by this Decision.

However, the Commission shall evaluate bilateral investment agreements between Member States and third countries regarding their specific energy provision which have relevance to the scope of this Decision, and shall submit a report to the European Parliament and the Council.

Or. en

Amendment 60
Pilar del Castillo Vera, Alejo Vidal-Quadras

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

Text proposed by the Commission

(1) ‘intergovernmental agreements’ means any legally binding agreements between Member States and third countries ***which are likely to have an impact on the operation or the functioning of the internal market for energy or on the security of energy supply in the Union;***

Amendment

(1) ‘intergovernmental agreements’ means any legally binding agreements between Member States and third countries ***in the field of energy. For the purpose of this Decision, agreements between Member States and publicly owned commercial entities in third countries shall also be considered "intergovernmental agreements";***

Or. en

Amendment 61
Krišjānis Kariņš

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

Text proposed by the Commission

(1) ‘intergovernmental agreements’ means

Amendment

(1) ‘intergovernmental agreements’ means

any legally binding agreements between Member States and third countries which **are likely to** have an impact on the operation or the functioning of the internal market for energy or on the security of energy supply in the Union;

any legally binding agreements between Member States and third countries which have an impact on the operation or the functioning of the internal market for energy or on the security of energy supply in the Union;

Or. en

Amendment 62
Maria Da Graça Carvalho

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

Text proposed by the Commission

(1) ‘intergovernmental agreements’ means any legally binding agreements between Member States and third countries which **are likely to** have an impact on the operation or the functioning of the internal market for energy or on the security of energy supply in the Union;

Amendment

(1) ‘intergovernmental agreements’ means any legally binding agreements between Member States and third countries which have an impact on the operation or the functioning of the internal market for energy or on the security of energy supply in the Union;

Or. en

Amendment 63
Lena Kolarska-Bobińska

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

Text proposed by the Commission

(1) ‘intergovernmental agreements’ means any legally binding agreements between Member States and third countries which are likely to have an impact on the operation or the functioning of the internal market for energy or on the security of energy supply in the Union;

Amendment

(1) ‘intergovernmental agreements’ means any legally binding agreements **or memoranda of understanding** between Member States and third countries which are likely to have an impact on the operation or the functioning of the internal market for energy or on the security of energy supply in the Union;

Amendment 64

Yannick Jadot

on behalf of the Verts/ALE Group

Proposal for a decision

Article 2 – paragraph 1 – point 1

Text proposed by the Commission

(1) ‘intergovernmental agreements’ means any legally binding agreements between Member States and third countries which **are likely to** have an impact on the operation or the functioning of the internal market for energy or on the security of energy supply in the Union;

Amendment

(1) ‘intergovernmental agreements’ means any legally binding agreements between Member States and third countries which **may** have an impact on the operation or the functioning of the internal market for energy or on the security of energy supply in the Union;

Or. en

Justification

In accordance with the wording of Article 101 and 107 (1) (TFEU) the term 'may have an impact' seems to be more appropriate to describe the diverse current and future impacts for the internal market or energy supply security.

Amendment 65

Lena Kolarska-Bobińska

Proposal for a decision

Article 2 – paragraph 1 – point 2 a (new)

Text proposed by the Commission

Amendment

(2a) 'commercial agreements' means any legally binding agreements between commercial entities on the development, operation or the functioning of energy infrastructure, supplies or services from a third country which are likely to have an impact on the operation or the functioning of the internal market for energy or on the security of energy supply

in the Union.

Or. en

Amendment 66
Bendt Bendtsen

Proposal for a decision
Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall submit all existing and provisionally applied intergovernmental agreements between them and third countries in their entirety, including their annexes and other texts they refer to explicitly and all amendments thereto to the Commission at the latest three months after the entry into force of this Decision. The Commission shall make the received documents accessible in electronic form to all other Member States. ***Existing or provisionally applied intergovernmental agreements which have already been communicated in accordance with Regulation (EU) No 994/2010 to the Commission at the date of entry into force of this Decision, which are fulfilling the requirements of this paragraph, shall be considered as communicated for the purposes of this Decision.***

Amendment

1. Member States shall submit all existing and provisionally applied intergovernmental agreements between them and third countries in their entirety, including their annexes and other texts they refer to explicitly and all amendments thereto to the Commission at the latest three months after the entry into force of this Decision. ***Within six months of the submission of the intergovernmental agreements in their entirety, the Commission shall assess their compatibility with EU law, especially with EU competition law and legislation concerning the internal energy market. Should the Commission consider that an intergovernmental agreement is not compatible with EU law, the Member State concerned shall take all necessary steps to eliminate the incompatibility identified.*** The Commission shall make the received documents accessible in electronic form to all other Member States, ***but shall not disclose information identified as confidential by the Member State concerned.***

Or. da

Amendment 67
Niki Tzavela

Proposal for a decision
Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall submit all existing and provisionally applied intergovernmental agreements between them and third countries in their entirety, including their annexes and other texts they refer to explicitly and all amendments thereto to the Commission at the latest three months after the entry into force of this Decision. The Commission shall make the received documents accessible in electronic form to all other Member States. ***Existing or provisionally applied intergovernmental agreements which have already been communicated in accordance with Regulation (EU) No 994/2010 to the Commission at the date of entry into force of this Decision, which are fulfilling the requirements of this paragraph, shall be considered as communicated for the purposes of this Decision.***

Amendment

1. Member States shall submit all existing and provisionally applied intergovernmental agreements between them and third countries in their entirety, including their annexes and other texts they refer to explicitly and all amendments thereto to the Commission at the latest three months after the entry into force of this Decision. The Commission shall make the received documents accessible in electronic form to all other Member States. ***Agreements between commercial entities are not subject to this obligation. Within 6 months following the submission of the intergovernmental agreements in their entirety, including their annexes and other texts they refer to explicitly and all amendments thereto, the Commission shall assess their compatibility with Union law, in particular with EU competition law and internal energy market legislation. Where the submitted intergovernmental agreement is not compatible with Union law, the Member State shall take all appropriate steps to eliminate the incompatibility identified. The Commission shall make the received documents accessible in electronic form to all other Member States but shall not disclose information that is indicated as confidential by the respective Member State.***

Or. en

Justification

It is unnecessary to submit other texts which have no impact on the internal market. Agreements between commercial entities are essential tools for competition which must remain confidential. Otherwise the commercial strength of any company is harmed.

Amendment 68
Marian-Jean Marinescu

Proposal for a decision
Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall submit all existing and provisionally applied intergovernmental agreements between them and third countries in their entirety, including their annexes and other texts they refer to explicitly and all amendments thereto to the Commission at the latest three months after the entry into force of this Decision. The Commission shall make the received documents accessible in electronic form to all other Member States. Existing or provisionally applied intergovernmental agreements which have already been communicated in accordance with Regulation (EU) No 994/2010 to the Commission at the date of entry into force of this Decision, which are fulfilling the requirements of this paragraph, shall be considered as communicated for the purposes of this Decision.

Amendment

1. Member States shall submit all existing and provisionally applied intergovernmental agreements between them and third countries in their entirety, including their annexes and other texts they refer to explicitly and all amendments thereto to the Commission at the latest three months after the entry into force of this Decision. ***Within 6 months following the submission of the intergovernmental agreements in their entirety, including their annexes and other texts they refer to explicitly and all amendments thereto, the Commission shall communicate to the Member States concerned its comments regarding their compatibility with Union law. Member States shall make all efforts to comply with these comments as early as possible and at the latest in the course of first amending process or renegotiation.*** The Commission shall make the received documents, ***with the exception of confidential parts identified according to Article 7, along with their note regarding the incompatibility with Union law, if any,*** accessible in electronic form to all other Member States. Existing or provisionally applied intergovernmental agreements which have already been communicated in accordance with Regulation (EU) No 994/2010 to the Commission at the date of entry into force of this Decision, which are fulfilling the requirements of this paragraph, shall be considered as communicated for the purposes of this Decision.

Or. en

Amendment 69

Alejo Vidal-Quadras, Pilar del Castillo Vera, Cristina Gutiérrez-Cortines

Proposal for a decision

Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall submit all existing and provisionally applied intergovernmental agreements between them and third countries in their entirety, including their annexes and other texts they refer to explicitly and all amendments thereto to the Commission at the latest three months after the entry into force of this Decision. The Commission shall make the received documents accessible in electronic form to all other Member States. Existing or provisionally applied intergovernmental agreements which have already been communicated in accordance with Regulation (EU) No 994/2010 to the Commission at the date of entry into force of this Decision, which are fulfilling the requirements of this paragraph, shall be considered as communicated for the purposes of this Decision.

Amendment

1. Member States shall submit all existing and provisionally applied intergovernmental agreements between them and third countries in their entirety, including their annexes and other texts they refer to explicitly and all amendments thereto to the Commission at the latest three months after the entry into force of this Decision. The Commission shall make the received documents, ***with the exception of confidential parts identified according to Article 7***, accessible in electronic form to all other Member States. ***In the event of incompatibility of the submitted intergovernmental agreements with Union law, the Commission shall launch infringement proceedings.*** Existing or provisionally applied intergovernmental agreements which have already been communicated in accordance with Regulation (EU) No 994/2010 to the Commission at the date of entry into force of this Decision, which are fulfilling the requirements of this paragraph, shall be considered as communicated for the purposes of this Decision.

Or. en

Amendment 70

Lena Kolarska-Bobińska

Proposal for a decision

Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall submit all existing

Amendment

1. Member States shall submit all existing

and provisionally applied intergovernmental agreements between them and third countries in their entirety, including their annexes and other texts they refer to explicitly and all amendments thereto to the Commission at the latest three months after the entry into force of this Decision. The Commission shall make the received documents accessible in electronic form to all other Member States. Existing or provisionally applied intergovernmental agreements which have already been communicated in accordance with Regulation (EU) No 994/2010 to the Commission at the date of entry into force of this Decision, which are fulfilling the requirements of this paragraph, shall be considered as communicated for the purposes of this Decision.

and provisionally applied intergovernmental agreements between them and third countries in their entirety, including their annexes and other texts they refer to explicitly and all amendments thereto to the Commission at the latest three months after the entry into force of this Decision. ***Member States shall submit all official language versions of these agreements and in addition, a summary note of each agreement in the three working languages of the Commission.*** The Commission shall make the received documents accessible in *secure* electronic form to all other Member States. Existing or provisionally applied intergovernmental agreements which have already been communicated in accordance with Regulation (EU) No 994/2010 to the Commission at the date of entry into force of this Decision, which are fulfilling the requirements of this paragraph, shall be considered as communicated for the purposes of this Decision.

Or. en

Justification

All language versions are needed by the Commission and other Member States to ensure a full understanding of an agreement and to note possible disagreements or errors between the different language versions. A summary note of each agreement in the three working languages of the Commission will allow Member State officials a better understand of an agreement in a language unknown to them (e.g. an official document which is only in Russian and Greek, might be difficult for a Spanish official to check).

Amendment 71 Gaston Franco

Proposal for a decision Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall submit all existing and provisionally applied

Amendment

1. Member States shall submit all existing and provisionally applied

intergovernmental agreements between them and third countries in their entirety, including their annexes and other texts they refer to explicitly and all amendments thereto to the Commission at the latest three months after the entry into force of this Decision. The Commission shall make the received documents accessible **in electronic form** to all other Member States. Existing or provisionally applied intergovernmental agreements which have already been communicated in accordance with Regulation (EU) No 994/2010 to the Commission at the date of entry into force of this Decision, which are fulfilling the requirements of this paragraph, shall be considered as communicated for the purposes of this Decision.

intergovernmental agreements between them and third countries in their entirety, including their annexes and other **non-commercial** texts they refer to explicitly and all amendments thereto to the Commission at the latest three months after the entry into force of this Decision. The Commission shall make the received documents accessible to all other Member States **in a suitable form ensuring that sensitive information is protected**. Existing or provisionally applied intergovernmental agreements which have already been communicated in accordance with Regulation (EU) No 994/2010 to the Commission at the date of entry into force of this Decision, which are fulfilling the requirements of this paragraph, shall be considered as communicated for the purposes of this Decision.

Or. fr

Amendment 72
Takis Hadjigeorgiou

Proposal for a decision
Article 3 – paragraph 1

Text proposed by the Commission

1. Member States **shall** submit all existing and provisionally applied intergovernmental agreements between them and third countries in their entirety, including their annexes and other texts they refer to explicitly and all amendments thereto to the Commission **at the latest three months after the entry into force of this Decision**. The Commission shall make the received documents accessible in electronic form to all other Member States. Existing or provisionally applied intergovernmental agreements which have already been communicated in accordance with Regulation (EU) No 994/2010 to the

Amendment

1. Member States **may** submit all existing and provisionally applied intergovernmental agreements between them and third countries in their entirety, including their annexes and other texts they refer to explicitly and all amendments thereto to the Commission **within a reasonable period of time**. The Commission shall make the received documents accessible in electronic form to all other Member States. Existing or provisionally applied intergovernmental agreements which have already been communicated in accordance with Regulation (EU) No 994/2010 to the

Commission at the date of entry into force of this Decision, which are fulfilling the requirements of this paragraph, shall be considered as communicated for the purposes of this Decision.

Commission at the date of entry into force of this Decision, which are fulfilling the requirements of this paragraph, shall be considered as communicated for the purposes of this Decision.

Or. en

Amendment 73
Bogdan Kazimierz Marcinkiewicz

Proposal for a decision
Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall submit all existing and provisionally applied intergovernmental agreements between them and third countries in their entirety, including their annexes and other texts they refer to explicitly and all amendments thereto to the Commission at the latest three months after the entry into force of this Decision. The Commission shall make the received documents accessible in electronic form to all other Member States. Existing or provisionally applied intergovernmental agreements which have already been communicated in accordance with Regulation (EU) No 994/2010 to the Commission at the date of entry into force of this Decision, which are fulfilling the requirements of this paragraph, shall be considered as communicated for the purposes of this Decision.

Amendment

1. Member States shall submit all existing and provisionally applied intergovernmental agreements between them and third countries in their entirety, including their annexes and other texts they refer to explicitly and all amendments thereto to the Commission at the latest three months after the entry into force of this Decision. The Commission shall make the received documents accessible in electronic form to all other Member States, ***but shall not disclose information that is indicated as confidential by the respective Member State.*** Existing or provisionally applied intergovernmental agreements which have already been communicated in accordance with Regulation (EU) No 994/2010 to the Commission at the date of entry into force of this Decision, which are fulfilling the requirements of this paragraph, shall be considered as communicated for the purposes of this Decision.

Or. en

Amendment 74
Giles Chichester

Proposal for a decision
Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall submit all existing and provisionally applied intergovernmental agreements between them and third countries in their entirety, including their annexes and other texts they refer to explicitly and all amendments thereto to the Commission at the latest three months after the entry into force of this Decision. The Commission shall make the received documents accessible in electronic form to all other Member States. Existing or provisionally applied intergovernmental agreements which have already been communicated in accordance with Regulation (EU) No 994/2010 to the Commission at the date of entry into force of this Decision, which are fulfilling the requirements of this paragraph, shall be considered as communicated for the purposes of this Decision.

Amendment

1. Member States shall submit all existing and provisionally applied intergovernmental agreements between them and third countries in their entirety, including their annexes and other texts they refer to explicitly and all amendments thereto to the Commission at the latest three months after the entry into force of this Decision. ***With the exception of confidential parts identified according to Article 7,*** the Commission shall make the received documents accessible in electronic form to all other Member States. Existing or provisionally applied intergovernmental agreements which have already been communicated in accordance with Regulation (EU) No 994/2010 to the Commission at the date of entry into force of this Decision, which are fulfilling the requirements of this paragraph, shall be considered as communicated for the purposes of this Decision.

Or. en

Amendment 75
Fiorello Provera

Proposal for a decision
Article 3 – paragraph 1

Text proposed by the Commission

1. Member States ***shall*** submit all existing and provisionally applied intergovernmental agreements between them and third countries in their entirety, including their annexes and other texts they refer to explicitly and all amendments thereto to the Commission at the latest

Amendment

1. Member States ***may*** submit all existing and provisionally applied intergovernmental agreements between them and third countries in their entirety, including their annexes and other texts they refer to explicitly and all amendments thereto to the Commission at the latest

three months after the entry into force of this Decision. The Commission shall make the received documents accessible in electronic form to all other Member States. Existing or provisionally applied intergovernmental agreements which have already been communicated in accordance with Regulation (EU) No 994/2010 to the Commission at the date of entry into force of this Decision, which are fulfilling the requirements of this paragraph, shall be considered as communicated for the purposes of this Decision.

three months after the entry into force of this Decision. ***Agreements between commercial entities are not subject to this obligation.*** The Commission shall make the received documents accessible in electronic form to all other Member States. Existing or provisionally applied intergovernmental agreements which have already been communicated in accordance with Regulation (EU) No 994/2010 to the Commission at the date of entry into force of this Decision, which are fulfilling the requirements of this paragraph, shall be considered as communicated for the purposes of this Decision.

Or. en

Justification

Agreements between commercial operators must be clearly excluded from this Decision. Releasing information on such agreements might seriously harm the commercial power of any European undertaking vis à vis of non-EU suppliers and be detrimental to internal market competition and security of supply in the EU.

Amendment 76 Gaston Franco

Proposal for a decision Article 3 – paragraph 2

Text proposed by the Commission

Amendment

2. When a Member State intends to enter into negotiations with a third country in order to amend an existing intergovernmental agreement or to conclude a new intergovernmental agreement, the Member State shall inform the Commission in writing of its intention at the earliest possible moment before the envisaged opening of the negotiations. The information provided to the Commission shall include the relevant documentation, an indication of the provisions to be addressed in the

deleted

negotiations, the objectives of the negotiations and other relevant information. In case of amendments to an existing agreement, the provisions that are to be renegotiated shall be indicated in the information provided to the Commission. The Commission shall make the received information accessible to all Member States in electronic form. The Member State concerned shall keep the Commission informed regularly of the ongoing negotiations. On request of the Commission or the Member State concerned, the Commission may participate as an observer in the negotiations.

Or. fr

Amendment 77
Marian-Jean Marinescu

Proposal for a decision
Article 3 – paragraph 2

Text proposed by the Commission

2. When a Member State intends to enter into negotiations with a third country in order to amend an existing intergovernmental agreement or to conclude a new intergovernmental agreement, the Member State shall inform the Commission in writing of its intention at the earliest possible moment before the envisaged opening of the negotiations. The information provided to the Commission shall include the relevant documentation, an indication of the provisions to be addressed in the negotiations, the objectives of the negotiations and other relevant information. In case of amendments to an existing agreement, the provisions that are to be renegotiated shall be indicated in the information provided to the Commission. The Commission shall

Amendment

2. When a Member State intends to enter into negotiations with a third country in order to amend an existing intergovernmental agreement or to conclude a new intergovernmental agreement, the Member State shall inform the Commission in writing of its intention at the earliest possible moment before the envisaged opening of the negotiations. The information provided to the Commission shall include the relevant documentation, an indication of the provisions to be addressed in the negotiations, the objectives of the negotiations and other relevant information. In case of amendments to an existing agreement, the provisions that are to be renegotiated shall be indicated in the information provided to the Commission. The Commission shall

make the received information accessible to all Member States in electronic form. The Member State concerned shall keep the Commission informed regularly of the ongoing negotiations. On request of the Commission or the Member State concerned, the Commission may participate as an observer in the negotiations.

make the received information, ***with the exception of confidential parts identified according to Article 7, along with their note regarding the incompatibility with Union law, if any***, accessible to all Member States in electronic form. The Member State concerned shall keep the Commission informed regularly of the ongoing negotiations. ***Within two weeks after the Member State's notification to the Commission, the Commission shall communicate to the Member States concerned its comments regarding the compatibility of the negotiated agreement with Union law.*** On request of the Commission or the Member State concerned, the Commission may participate as an observer in the negotiations.

Or. en

Amendment 78

András Gyürk

Proposal for a decision

Article 3 – paragraph 2

Text proposed by the Commission

2. When a Member State intends to enter into negotiations with a third country in order to amend an existing intergovernmental agreement or to conclude a new intergovernmental agreement, the Member State shall inform the Commission in writing of its intention at the earliest possible moment before the envisaged opening of the negotiations. The information provided to the Commission shall include the relevant documentation, an indication of the provisions to be addressed in the negotiations, the objectives of the negotiations and other relevant information. In case of amendments to an existing agreement, the

Amendment

2. When a Member State intends to enter into negotiations with a third country in order to amend an existing intergovernmental agreement or to conclude a new intergovernmental agreement, the Member State shall inform the Commission in writing of its intention at the earliest possible moment before the envisaged opening of the negotiations. The information provided to the Commission shall include the relevant documentation, an indication of the provisions to be addressed in the negotiations, the objectives of the negotiations and other relevant information. In case of amendments to an existing agreement, the

provisions that are to be renegotiated shall be indicated in the information provided to the Commission. The Commission shall make the received information accessible to all Member States in electronic form. The Member State concerned shall keep the Commission informed regularly of the ongoing negotiations. ***On request of*** the Commission or the Member State concerned, the Commission ***may*** participate as an observer in the negotiations.

provisions that are to be renegotiated shall be indicated in the information provided to the Commission. The Commission shall make the received information accessible to all Member States in electronic form. The Member State concerned shall keep the Commission informed regularly of the ongoing negotiations. ***If requested by*** the Commission or the Member State concerned, the Commission ***shall*** participate as an observer in the negotiations. ***The Commission shall provide the negotiating Member State with non-binding standard clauses developed in accordance with Article 6(1) and give further legal advice to the negotiating Member State on how to avoid incompatibility between the negotiated intergovernmental agreement and Union law. If the Member State requests the assistance of the Commission in the negotiations with the third country, the Commission shall provide the requested assistance.***

Or. en

Justification

Standard clauses available at the commencement of negotiations would help to prevent conflicts between intergovernmental agreements and Union law at the earliest stage. Since the full agreement shall comply with Union law and standard clauses might not cover the entire agreement, the Commission shall provide further legal assistance to avoid potential incompatibilities. If there is a request by a Member State to the Commission to actively assist in the negotiation process, no discretion should be left to the Commission, whether to provide assistance or not.

Amendment 79

Alejo Vidal-Quadras, Pilar del Castillo Vera, Cristina Gutiérrez-Cortines

Proposal for a decision

Article 3 – paragraph 2

Text proposed by the Commission

Amendment

2. When a Member State intends to enter

2. When a Member State intends to enter

into negotiations with a third country in order to amend an existing intergovernmental agreement or to conclude a new intergovernmental agreement, the Member State shall inform the Commission in writing of its intention at the earliest possible moment before the envisaged opening of the negotiations. The information provided to the Commission shall include the relevant documentation, an indication of the provisions to be addressed in the negotiations, the objectives of the negotiations and other relevant information. In case of amendments to an existing agreement, the provisions that are to be renegotiated shall be indicated in the information provided to the Commission. The ***Commission shall make the received information accessible to all Member States in electronic form.*** ***The Member State concerned shall keep the Commission informed regularly of the ongoing negotiations. On request of the Commission or the Member State concerned, the Commission may participate as an observer in the negotiations.***

into negotiations with a third country in order to amend an existing intergovernmental agreement or to conclude a new intergovernmental agreement, the Member State shall inform the Commission in writing of its intention at the earliest possible moment before the envisaged opening of the negotiations. The information provided to the Commission shall include the relevant documentation, an indication of the provisions to be addressed in the negotiations, the objectives of the negotiations and other relevant information. In case of amendments to an existing agreement, the provisions that are to be renegotiated shall be indicated in the information provided to the Commission. The Member State concerned shall keep the Commission informed regularly of the ongoing negotiations.

Or. en

Amendment 80

Yannick Jadot

on behalf of the Verts/ALE Group

Proposal for a decision

Article 3 – paragraph 2

Text proposed by the Commission

2. When a Member State intends to enter into negotiations with a third country in order to amend an existing intergovernmental agreement or to conclude a new intergovernmental agreement, the Member State shall inform the Commission in writing of its intention

Amendment

2. When a Member State intends to enter into negotiations with a third country in order to amend an existing intergovernmental agreement or to conclude a new intergovernmental agreement, the Member State shall inform the Commission in writing of its intention

at the earliest possible moment before the envisaged opening of the negotiations. The information provided to the Commission shall include the relevant documentation, an indication of the provisions to be addressed in the negotiations, the objectives of the negotiations and other relevant information. In case of amendments to an existing agreement, the provisions that are to be renegotiated shall be indicated in the information provided to the Commission. The Commission shall make the received information accessible to all Member States in electronic form. The Member State concerned shall keep the Commission informed regularly of the ongoing negotiations. ***On request of the Commission or the Member State concerned, the Commission may participate as an observer in the negotiations.***

at the earliest possible moment ***but in no case later than 3 months*** before the envisaged opening of the negotiations. The information provided to the Commission shall include the relevant documentation, an indication of the provisions to be addressed in the negotiations, the objectives of the negotiations and other relevant information. In case of amendments to an existing agreement, the provisions that are to be renegotiated shall be indicated in the information provided to the Commission. The Commission shall make the received information accessible to all Member States in electronic form. The Member State concerned shall keep the Commission informed regularly of the ongoing negotiations. ***The Commission shall have the right to participate in the negotiations as an observer and give legal advice at the request of the Member State concerned.***

Or. en

Justification

In order to enhance legal clarity, the instrument should stipulate a precise deadline, which Member States should respect for informing the Commission on its intention to open negotiations. The Commission should have the right to participate to these negotiations, in order to be able to properly assist Member States pursuant to Article 4 of this Decision and, if requested, provide them with legal advice during the procedure.

Amendment 81 **Silvia-Adriana Țicău**

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

Text proposed by the Commission

(2) When a Member State intends to enter into negotiations with a third country in order to amend an existing intergovernmental agreement or to conclude a new intergovernmental

Amendment

(2) When a Member State intends to enter into negotiations with a third country in order to amend an existing intergovernmental agreement or to conclude a new intergovernmental

agreement, the Member State shall inform the Commission in writing of its intention at the earliest possible moment before the envisaged opening of the negotiations. The information provided to the Commission shall include the relevant documentation, an indication of the provisions to be addressed in the negotiations, the objectives of the negotiations and other relevant information. In case of amendments to an existing agreement, the provisions that are to be renegotiated shall be indicated in the information provided to the Commission. The Commission shall make the received information accessible to all Member States in electronic form. The Member State concerned shall keep the Commission informed regularly of the ongoing negotiations. On request of the Commission or the Member State concerned, the Commission may participate as an observer in the negotiations.

agreement, the Member State shall inform the Commission in writing of its intention at the earliest possible moment before the envisaged opening of the negotiations. The information provided to the Commission shall include the relevant documentation, an indication of the provisions to be addressed in the negotiations, the objectives of the negotiations and other relevant information. In case of amendments to an existing agreement, the provisions that are to be renegotiated shall be indicated in the information provided to the Commission. The Commission shall make the received information accessible to all Member States in electronic form. ***It shall provide the Member State with a guide on the conduct of negotiations, with a view to ensuring compliance with EU law, solidarity between Member States and energy supply.*** The Member State concerned shall keep the Commission informed regularly of the ongoing negotiations. On request of the Commission or the Member State concerned, the Commission may participate as an observer in the negotiations.

Or. ro

Amendment 82

Fiorello Provera

Proposal for a decision

Article 3 – paragraph 2

Text proposed by the Commission

2. When a Member State intends to enter into negotiations with a third country in order to amend an existing intergovernmental agreement or to conclude a new intergovernmental agreement, the Member State ***shall*** inform the Commission in writing of its intention

Amendment

2. When a Member State intends to enter into negotiations with a third country in order to amend an existing intergovernmental agreement or to conclude a new intergovernmental agreement, the Member State ***may*** inform the Commission in writing of its intention

at the earliest possible moment before the envisaged opening of the negotiations. The information provided to the Commission shall include the relevant documentation, an indication of the provisions to be addressed in the negotiations, the objectives of the negotiations and other relevant information. In case of amendments to an existing agreement, the provisions that are to be renegotiated shall be indicated in the information provided to the Commission. ***The Commission shall make the received information accessible to all Member States in electronic form.*** The Member State concerned shall keep the Commission informed regularly of the ongoing negotiations. On request of the Commission or the Member State concerned, the Commission may participate as an observer in the negotiations.

at the earliest possible moment before the envisaged opening of the negotiations. The information provided to the Commission shall include the relevant documentation, an indication of the provisions to be addressed in the negotiations, the objectives of the negotiations and other relevant information. In case of amendments to an existing agreement, the provisions that are to be renegotiated shall be indicated in the information provided to the Commission. ***Agreements between commercial entities are not subject to this obligation.*** The Member State concerned shall keep the Commission informed regularly of the ongoing negotiations. On request of the Commission or the Member State concerned, the Commission may participate as an observer in the negotiations.

Or. en

Justification

Agreements between commercial operators must be excluded from this Decision since they are essential tools for competition in the internal market. In particular, ex-ante release of information on such agreements might seriously harm the negotiating power of any European company vis à vis of non-EU suppliers and be detrimental to security of supply in the EU.

Amendment 83 Giles Chichester

Proposal for a decision Article 3 – paragraph 2

Text proposed by the Commission

2. When a Member State intends to enter into negotiations with a third country in order to amend an existing intergovernmental agreement or to conclude a new intergovernmental agreement, the Member State shall inform the Commission in writing of its intention

Amendment

2. When a Member State intends to enter into negotiations with a third country in order to amend an existing intergovernmental agreement or to conclude a new intergovernmental agreement, the Member State shall inform the Commission in writing of its intention

at the earliest possible moment before the envisaged opening of the negotiations. The information provided to the Commission shall include the relevant documentation, an indication of the provisions to be addressed in the negotiations, the objectives of the negotiations and other relevant information. In case of amendments to an existing agreement, the provisions that are to be renegotiated shall be indicated in the information provided to the Commission. **The** Commission shall make the received information accessible to all Member States in electronic form. The Member State concerned shall keep the Commission informed regularly of the ongoing negotiations. On request of **the Commission or** the Member State concerned, the Commission may participate as an observer in the negotiations.

at the earliest possible moment before the envisaged opening of the negotiations. The information provided to the Commission shall include the relevant documentation, an indication of the provisions to be addressed in the negotiations, the objectives of the negotiations and other relevant information. In case of amendments to an existing agreement, the provisions that are to be renegotiated shall be indicated in the information provided to the Commission. **With the exception of confidential parts identified according to Article 7, the** Commission shall make the received information accessible to all Member States in electronic form. The Member State concerned shall keep the Commission informed regularly of the ongoing negotiations. On request of the Member State concerned, the Commission may participate as an observer in the negotiations.

Or. en

Amendment 84 **Takis Hadjigeorgiou**

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

Text proposed by the Commission

2. When a Member State ***intends to*** enter into negotiations with a third country in order to amend an existing intergovernmental agreement or to conclude a new intergovernmental agreement, the Member State shall inform the Commission in writing ***of its intention at the earliest possible moment before the envisaged opening of the negotiations.*** The information provided to the Commission shall include the relevant documentation, an indication of the provisions to be addressed in the

Amendment

2. When a Member State enter into negotiations with a third country in order to amend an existing intergovernmental agreement or to conclude a new intergovernmental agreement, the Member State shall inform the Commission in writing. The information provided to the Commission shall include the relevant documentation, an indication of the provisions to be addressed in the negotiations, the objectives of the negotiations and other relevant information. In case of amendments to an

negotiations, the objectives of the negotiations and other relevant information. In case of amendments to an existing agreement, the provisions that are to be renegotiated shall be indicated in the information provided to the Commission. The Commission shall make the received information accessible to all Member States in electronic form. The Member State concerned shall keep the Commission informed regularly of the ongoing negotiations. On request of *the Commission or* the Member State concerned, the Commission may participate as an observer in the negotiations.

existing agreement, the provisions that are to be renegotiated shall be indicated in the information provided to the Commission. The Commission shall make the received information accessible to all Member States in electronic form. The Member State concerned shall keep the Commission informed regularly of the ongoing negotiations. On request of the Member State concerned, the Commission may participate as an observer in the negotiations.

Or. en

Amendment 85

Niki Tzavela

Proposal for a decision

Article 3 – paragraph 2

Text proposed by the Commission

2. When a Member State intends to enter into negotiations with a third country in order to amend an existing intergovernmental agreement or to conclude a new intergovernmental agreement, the Member State shall inform the Commission in writing of its intention at the earliest possible moment before the envisaged opening of the negotiations. The information provided to the Commission shall include the relevant documentation, an indication of the provisions to be addressed in the negotiations, the objectives of the negotiations and other relevant information. In case of amendments to an existing agreement, the provisions that are to be renegotiated shall be indicated in the information provided to the Commission. The Commission shall

Amendment

2. When a Member State intends to enter into negotiations with a third country in order to amend an existing intergovernmental agreement or to conclude a new intergovernmental agreement, the Member State shall inform the Commission in writing of its intention at the earliest possible moment before the envisaged opening of the negotiations. The information provided to the Commission shall include the relevant documentation, an indication of the provisions to be addressed in the negotiations, the objectives of the negotiations and other relevant information. In case of amendments to an existing agreement, the provisions that are to be renegotiated shall be indicated in the information provided to the Commission. The Commission shall

make the received information accessible to all Member States in electronic form. The Member State concerned shall keep the Commission informed regularly of the ongoing negotiations. ***On request of the Commission or the Member State concerned***, the Commission ***may*** participate as an observer in the negotiations.

make the received information accessible to all Member States in electronic form. The Member State concerned shall keep the Commission informed regularly of the ongoing negotiations. Member ***States may invite*** the Commission ***to*** participate as an observer in the negotiations.

Or. en

Amendment 86
Lena Kolarska-Bobińska

Proposal for a decision
Article 3 – paragraph 2

Text proposed by the Commission

2. When a Member State intends to enter into negotiations with a third country in order to amend an existing intergovernmental agreement or to conclude a new intergovernmental agreement, the Member State shall inform the Commission in writing of its intention at the earliest possible moment before the envisaged opening of the negotiations. The information provided to the Commission shall include the relevant documentation, an indication of the provisions to be addressed in the negotiations, the objectives of the negotiations and other relevant information. In case of amendments to an existing agreement, the provisions that are to be renegotiated shall be indicated in the information provided to the Commission. The Commission shall make the received information accessible to all Member States in electronic form. The Member State concerned shall keep the Commission informed regularly of the ongoing negotiations. On request of the Commission or the Member State concerned, the Commission may

Amendment

2. When a Member State intends to enter into negotiations with a third country in order to amend an existing intergovernmental agreement or to conclude a new intergovernmental agreement, the Member State shall inform the Commission in writing of its intention at the earliest possible moment before the envisaged opening of the negotiations. The information provided to the Commission shall include the relevant documentation, an indication of the provisions to be addressed in the negotiations, the objectives of the negotiations and other relevant information. In case of amendments to an existing agreement, the provisions that are to be renegotiated shall be indicated in the information provided to the Commission. The Commission shall make the received information accessible to all Member States in ***secure*** electronic form. The Member State concerned shall keep the Commission informed regularly of the ongoing negotiations. On request of the Commission or the Member State concerned, the Commission may

participate as an observer in the negotiations.

participate as an observer in the negotiations.

Or. en

Amendment 87

Alejo Vidal-Quadras, Pilar del Castillo Vera, Cristina Gutiérrez-Cortines

Proposal for a decision

Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall submit already negotiated but not yet signed intergovernmental agreements, including annexes thereto and other texts to which they refer explicitly, to the Commission after closure of the negotiations.

Or. en

Amendment 88

Michael Theurer

Proposal for a decision

Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States are not required to provide the Commission with information they consider confidential.

Or. en

Amendment 89

Bogdan Kazimierz Marcinkiewicz

Proposal for a decision

Article 3 – paragraph 3

Text proposed by the Commission

3. Upon ratification of an intergovernmental agreement or of an amendment to an intergovernmental agreement, the Member State concerned shall submit the agreement or the ***amendment of the*** agreement, including ***their annexes and other texts*** these agreements ***or amendments*** refer to ***explicitly, to the Commission which shall make the received documents, with the exception of confidential parts identified according to Article 7, accessible to all other Member States in electronic form.***

Amendment

3. Upon ratification of an intergovernmental agreement or of an amendment to an intergovernmental agreement, the Member State concerned shall submit ***to the Commission the*** agreement or ***the amendment to*** the agreement, including ***its*** annexes. ***Furthermore, where*** these agreements refer ***explicitly to other texts, Member States shall submit those other texts insofar as they contain elements which impact on the functioning of the internal market for energy or on the security of energy supply in the Union. However, agreements between commercial entities are not subject to this obligation.***

Or. en

Amendment 90

Niki Tzavela

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

Text proposed by the Commission

3. Upon ratification of an intergovernmental agreement or of an amendment to an intergovernmental agreement, the Member State concerned shall submit the agreement or the amendment ***of*** the agreement, including ***their*** annexes ***and other texts*** these agreements ***or amendments*** refer to ***explicitly, to the Commission which shall make the received documents, with the exception of confidential parts identified according to Article 7, accessible to all other Member States in electronic form.***

Amendment

3. Upon ratification of an intergovernmental agreement or of an amendment to an intergovernmental agreement, the Member State concerned shall submit ***to the Commission the*** agreement or the amendment ***to*** the agreement, including ***its*** annexes. ***Furthermore, where*** these agreements refer ***explicitly to other texts, Member States shall submit those other texts insofar as they contain elements which impact on the functioning of the internal market for energy or on the security of energy supply in the Union. However, agreements between commercial entities are not subject to this obligation.***

Justification

Only those 'other texts' which have an impact on the internal market should be submitted to the Commission. Agreements between commercial entities are essential tools for competition and must remain confidential. Otherwise the commercial strength of any company is harmed. Onward circulation from the Commission to all other Member States goes beyond the brief of the 4th February Council of Ministers' mandate on the question.

Amendment 91
Fiorello Provera

Proposal for a decision
Article 3 – paragraph 3

Text proposed by the Commission

3. Upon ratification of an intergovernmental agreement or of an amendment to an intergovernmental agreement, the Member State concerned **shall** submit the agreement or the amendment of the agreement, including their annexes and other texts these agreements or amendments refer to explicitly, to the Commission which shall make the received documents, with the exception of confidential parts identified according to Article 7, accessible to all other Member States in electronic form.

Amendment

3. Upon ratification of an intergovernmental agreement or of an amendment to an intergovernmental agreement, the Member State concerned **may** submit the agreement or the amendment of the agreement, including their annexes and other texts these agreements or amendments refer to explicitly, **except for agreements between commercial entities**, to the Commission which shall make the received documents, with the exception of confidential parts identified according to Article 7, accessible to all other Member States in electronic form.

Justification

Agreements between commercial operators must be clearly excluded from the Decision since they are essential tools for competition in the internal market. In particular, ex-ante or ex-post release of information on such agreements might seriously harm the commercial and negotiating power of any European company vis à vis of non-EU suppliers and be detrimental to internal market competition and security of supply in the EU.

Amendment 92
Gaston Franco

Proposal for a decision
Article 3 – paragraph 3

Text proposed by the Commission

3. Upon ratification of an intergovernmental agreement or of an amendment to an intergovernmental agreement, the Member State concerned shall submit the agreement or the amendment of the agreement, including their annexes and other texts these agreements or amendments refer to explicitly, to the Commission which shall make the received documents, with the exception of confidential parts identified according to Article 7, accessible to all other Member States in electronic form.

Amendment

3. Upon ratification of an intergovernmental agreement or of an amendment to an intergovernmental agreement, the Member State concerned shall submit the agreement or the amendment of the agreement, including their annexes and other ***non-commercial*** texts these agreements or amendments refer to explicitly, to the Commission which shall make the received documents, with the exception of confidential parts identified according to Article 7, accessible to all other Member States in electronic form.

Or. fr

Amendment 93
Lena Kolarska-Bobińska

Proposal for a decision
Article 3 – paragraph 3

Text proposed by the Commission

3. Upon ratification of an intergovernmental agreement or of an amendment to an intergovernmental agreement, the Member State concerned shall submit the agreement or the amendment of the agreement, including their annexes and other texts these agreements or amendments refer to explicitly, to the Commission which shall make the received documents, with the exception of confidential parts identified according to Article 7, accessible to all other Member States in electronic form.

Amendment

3. Upon ratification of an intergovernmental agreement or of an amendment to an intergovernmental agreement, the Member State concerned shall submit the agreement or the amendment of the agreement, including their annexes and other texts these agreements or amendments refer to explicitly, to the Commission which shall make the received documents, with the exception of confidential parts identified according to Article 7, accessible to all other Member States in ***secure*** electronic form.

form.

Or. en

Amendment 94
Lena Kolarska-Bobińska

Proposal for a decision
Article 3 a (new)

Text proposed by the Commission

Amendment

Article 3a

***Commercial Agreements and Memoranda
of Understanding***

The Commission shall have the right to request access to an energy project's commercial agreement(s) and annexes or other documents and any memoranda of understanding from the commercial entities and Member States involved when an energy project starting or ending in a third country, which is likely to have an impact on the internal market for energy or on the security of energy supply, is not subject to an intergovernmental agreement. Upon such a request, the commercial entities or Member States involved shall have three months to submit the requested documents or a detailed explanation of why a project will not have an impact on the internal market for energy or on the security of energy supply. The Commission may accept this explanation or resubmit its request.

Within 6 months following the submission of the requested documents, the Commission shall assess their compatibility with Union law, in particular with EU competition law and internal energy market legislation. Where a submitted commercial agreement or Memorandum of Understanding is not compatible with Union law, the commercial entities shall take all

appropriate steps to eliminate the incompatibility identified.

If the recommendations are not taken into account and serious doubts persist about the compatibility of a signed commercial agreement or Memorandum of Understanding, the Commission may request a Member State or Member States to consider launching legal proceedings against the signatories of the agreement or launch its own legal proceeding for which the treaties allow or in an appropriate international forum of which the Union is a member.

The Commission shall not make the received documents accessible to all other Member States or other bodies and shall treat all documents received under this Article as confidential. Received documents shall be disclosed to appropriate respective authorities only in the case of a legal proceedings. Member States shall be informed that a request for documents under this Article has been made and whether a request is open, closed or has been withdrawn.

Or. en

Justification

This article is required to prevent Member States and commercial entities from seek to avoid the application of this Decision by adopting only commercial agreements without intergovernmental agreements on international energy projects. This article would allow the Commission the ability to verify all projects while preserving confidentiality.

Amendment 95
András Gyürk

Proposal for a decision
Article 4

Text proposed by the Commission

Amendment

Assistance from the Commission

deleted

When a Member State informs the Commission pursuant to Article 3(2) of its intention to enter into negotiations in order to amend an existing intergovernmental agreement or to conclude a new intergovernmental agreement, the Member State may request the assistance of the Commission in the negotiations with the third country.

Or. en

Justification

The content of this article is covered by AM No 1.

Amendment 96

Alejo Vidal-Quadras, Pilar del Castillo Vera, Cristina Gutiérrez-Cortines

Proposal for a decision

Article 4 – paragraph 1

Text proposed by the Commission

When a Member State informs the Commission pursuant to Article 3(2) of its intention to enter into negotiations in order to amend an existing intergovernmental agreement or to conclude a new intergovernmental agreement, the Member State may ***request the assistance of the Commission*** in the negotiations with the third country.

Amendment

When a Member State informs the Commission pursuant to Article 3(2) of its intention to enter into negotiations in order to amend an existing intergovernmental agreement or to conclude a new intergovernmental agreement, the ***Commission, on its own initiative or on request of the Member State, may participate as an observer*** in the negotiations with the third country ***and provide legal advice on how to reach an intergovernmental agreement in full compliance with Union law.***

Or. en

Amendment 97

Bernd Lange

Yannick Jadot

on behalf of the Verts/ALE Group

Proposal for a decision
Article 5 – paragraph 1

Text proposed by the Commission

The Commission may on its own initiative until four weeks after it has been informed of the closure of the negotiations at the latest or on request from the Member State which has negotiated the intergovernmental agreement, assess the compatibility of the negotiated agreement with Union law before the agreement has been signed. In case the Commission or the Member State concerned ask for such an ex-ante assessment of the negotiated intergovernmental agreement with Union law, the negotiated but not yet signed draft intergovernmental agreement shall be submitted to the Commission for examination. The Member State concerned shall refrain from signing the agreement for a period of four months following the submission of the draft intergovernmental agreement. In agreement with the Member State concerned, the examination period might be prolonged. When a compatibility control has been requested, in the absence of an opinion by the Commission within the examination period, the Commission shall be deemed not to have raised objections.

Amendment

As early as possible and not later than two weeks after closure of the negotiations, the Member State concerned shall inform the Commission of the closure of the negotiations and shall submit the negotiated but not yet signed draft intergovernmental agreement, including annexes thereto and other texts to which it refers explicitly, to the Commission for examination. The Commission shall inform that Member State, within two months after being informed of the closure of the negotiations, of any doubts on the compatibility of the negotiated agreement, and annexes thereto and other texts to which it refers explicitly, with Union law, particularly with regard to trade and investment regulations, the internal energy market legislation and the Union's long-term energy and climate policy objectives. The Member State concerned shall refrain from signing the agreement for a period of two months following the submission of the intergovernmental agreement. In the absence of a response from the Commission within that period, the Commission shall be deemed not to have raised objections. The Member State shall postpone the signing of an intergovernmental agreement for another two months if it has received a response from the Commission that the negotiated but not yet signed agreement is not compatible with Union law. Within those two months the Commission shall issue a legal opinion.

Where the legal opinion identifies incompatibility between the negotiated agreement and Union law, the Commission shall specify that incompatibility and shall make

recommendations on how to eliminate the incompatibility.

Member States shall take due account of the Commission's recommendations and, if necessary, renegotiate the agreement. If the recommendations are not taken into account and serious doubts persist about the compatibility of the signed intergovernmental agreement with Union law, the Commission shall consider launching infringement proceedings.

Or. en

Amendment 98
Bendt Bendtsen

Proposal for a decision
Article 5 – paragraph 1

Text proposed by the Commission

The *Commission may on its own initiative until four* weeks after *it has been informed of* the closure of the negotiations *at the latest* or on request from the Member State which has negotiated the intergovernmental agreement, *assess* the compatibility of the negotiated agreement with Union law *before the agreement has been signed. In case the Commission or the Member State concerned ask for such an ex-ante assessment of the negotiated intergovernmental agreement with Union law, the negotiated but not yet signed draft intergovernmental agreement shall be submitted to the Commission for examination.* The Member State concerned shall refrain from signing the agreement for a period of *four* months following the submission of the draft intergovernmental agreement. *In agreement with the Member State concerned, the examination period might be prolonged. When a compatibility control has been requested, in the absence*

Amendment

1. The Member State which has negotiated the intergovernmental agreement shall, as early as possible and within two weeks after the closure of the negotiations, *inform the Commission that the negotiations have been completed and submit the negotiated but not yet signed draft intergovernmental agreement, including its annexes and other texts explicitly referred to, to the Commission for examination. The Commission shall on its own initiative* or on request from the Member State which has negotiated the intergovernmental agreement, *within two months of being notified of the completion of the negotiations, inform the Member State concerned of any doubts regarding* the compatibility of the negotiated agreement, *including its annexes and other texts explicitly referred to,* with Union law, *especially with EU competition law and legislation concerning the internal energy market.*

of an opinion by the Commission within the examination period, the Commission shall be deemed not to have raised objections.

The Member State concerned shall refrain from signing the agreement for a period of **two** months following the submission of the draft intergovernmental agreement. ***If the Commission has not responded within this period, it shall be deemed not to have raised objections. The Member State shall postpone the signing of an intergovernmental agreement for a further two months if it has received a reply from the Commission that the negotiated agreement is not compatible with EU law. The Commission shall deliver a legal opinion within these two months.***

2. In its legal opinion, the Commission shall specify the incompatibility identified and make recommendations on how to eliminate this incompatibility.

3. The Member States shall take due account of the Commission's recommendations and renegotiate the agreement if necessary. If the recommendations are not taken into account and doubts remain as to whether the intergovernmental agreement is compatible with EU law, the Commission shall consider opening infringement proceedings.

Or. da

Amendment 99
Bernd Lange

Proposal for a decision
Article 5 – paragraph 1

Text proposed by the Commission

The Commission ***may on its own initiative until four weeks after it has been informed of the closure of the negotiations at the latest or on request from the Member State which has***

Amendment

Before signing negotiated intergovernmental agreements, Member States shall submit these to the Commission for examination. The Commission shall, within four weeks of

negotiated the intergovernmental agreement, assess the compatibility of the negotiated agreement with Union law ***before the agreement has been signed. In case the Commission or the Member State concerned ask for such an ex-ante assessment of the negotiated intergovernmental agreement with Union law, the negotiated but not yet signed draft intergovernmental agreement shall be submitted to the Commission for examination.*** The Member State concerned shall refrain from signing the agreement for a period of four months following the submission of the draft intergovernmental agreement. In agreement with the Member State concerned, the examination period might be prolonged. ***When a compatibility control has been requested, in*** the absence of an opinion by the Commission within the examination period, the Commission shall be deemed not to have raised objections.

submission, assess the compatibility of the negotiated agreement with Union law, ***especially as regards trade and investment rules and the internal energy market, as well as with the Union's long-term energy and climate objectives.*** The Member State concerned shall refrain from signing the agreement for a period of four months following the submission of the draft intergovernmental agreement. In agreement with the Member State concerned, the examination period might be prolonged. ***In*** the absence of an opinion by the Commission within the examination period, the Commission shall be deemed not to have raised objections.

Or. de

Amendment 100
Bogdan Kazimierz Marcinkiewicz

Proposal for a decision
Article 5 – paragraph 1

Text proposed by the Commission

The Commission may on its own initiative until four weeks after it has been informed of the closure of the negotiations at the latest or on request from the Member State which has negotiated the intergovernmental agreement, assess the compatibility of the negotiated agreement with Union law before the agreement has been signed. In case the Commission or the Member State concerned ask for such an ex-ante assessment of the negotiated intergovernmental agreement with Union

Amendment

As early as possible and not later than two weeks after closure of the negotiations the Member State concerned shall inform the Commission of the closure of the negotiations and shall submit the negotiated but not yet signed draft intergovernmental agreement, including annexes thereto and other texts to which it refers explicitly, to the Commission for examination. However, agreements between commercial entities are not

law, the negotiated but not yet signed draft intergovernmental agreement shall be submitted to the Commission for examination. The Member State concerned shall refrain from signing the agreement for a period of four months following the submission of the draft intergovernmental agreement. In agreement with the Member State concerned, the examination period might be prolonged. When a compatibility control has been requested, in the absence of an opinion by the Commission within the examination period, the Commission shall be deemed not to have raised objections.

subject to this obligation.

Or. en

Amendment 101
Marian-Jean Marinescu

Proposal for a decision
Article 5 – paragraph 1

Text proposed by the Commission

The Commission *may on its own initiative until four* weeks after it has been informed of the closure of the negotiations *at the latest or on request from the Member State which has negotiated the intergovernmental agreement, assess the compatibility of the negotiated agreement with Union law before the agreement has been signed. In case the Commission or the Member State concerned ask for such an ex-ante assessment of the negotiated intergovernmental agreement with Union law, the negotiated but not yet signed draft intergovernmental agreement shall be submitted to the Commission for examination. The Member State concerned shall refrain from signing the agreement for a period of four months following the submission of the draft*

Amendment

The *Member States shall inform the Commission as regards the closure of the negotiations before the agreement has been signed and shall submit to the Commission the draft agreement. Within 4* weeks after it has been informed of the closure of the negotiations, the Commission *shall communicate to the Member State concerned its comments regarding the incompatibility with Union law, if any. Before the agreement is signed, the Member State concerned shall take due account of the Commission's final recommendations in the draft agreement and, if necessary, renegotiate the agreement. In the absence of an opinion by the Commission within the examination period, the Commission shall*

intergovernmental agreement. In agreement with the Member State concerned, the examination period might be prolonged. When a compatibility control has been requested, in the absence of an opinion by the Commission within the examination period, the Commission shall be deemed not to have raised objections.

be deemed not to have raised objections.

Or. en

Amendment 102

Alejo Vidal-Quadras, Cristina Gutiérrez-Cortines

Proposal for a decision

Article 5 – paragraph 1

Text proposed by the Commission

The Commission may on its own initiative until four weeks after it has been informed of the closure of the negotiations at the latest or on request from the Member State which has negotiated the intergovernmental agreement, assess the compatibility of the negotiated agreement with Union law before the agreement has been signed. In case the Commission or the Member State concerned ask for such an ex-ante assessment of the negotiated intergovernmental agreement with Union law, the negotiated but not yet signed draft intergovernmental agreement shall be submitted to the Commission for examination. The Member State concerned shall refrain from signing the agreement for a period of four months following the submission of the draft intergovernmental agreement. In agreement with the Member State concerned, the examination period might be prolonged. When a compatibility control has been requested, in the absence of an opinion by the Commission within the examination period, the Commission

Amendment

With regard to intergovernmental agreements submitted pursuant to Article 3(3), not later than three months after the submission of the intergovernmental agreement, the Commission shall, on its own initiative or on request from the Member State which submitted it, assess its compatibility with Union law and inform the Member State about any incompatibility identified in this assessment, explaining the legal reasons of such a incompatibility and proposing a solution to eliminate it. The Member State concerned shall refrain from signing the agreement within that period of three months. In agreement with the Member State concerned, the examination period might be prolonged. When a compatibility control has been requested, in the absence of an opinion by the Commission within the examination period, the Commission shall be deemed not to have raised objections.

shall be deemed not to have raised objections.

Or. en

Amendment 103

Niki Tzavela

Proposal for a decision

Article 5 – paragraph 1

Text proposed by the Commission

The Commission may on its own initiative until four weeks after it has been informed of the closure of the negotiations at the latest or on request from the Member State which has negotiated the intergovernmental agreement, assess the compatibility of the negotiated agreement with Union law before the agreement has been signed. In case the Commission or the Member State concerned ask for such an ex-ante assessment of the negotiated intergovernmental agreement with Union law, the negotiated but not yet signed draft intergovernmental agreement shall be submitted to the Commission for examination. The Member State concerned shall refrain from signing the agreement for a period of four months following the submission of the draft intergovernmental agreement. In agreement with the Member State concerned, the examination period might be prolonged. When a compatibility control has been requested, in the absence of an opinion by the Commission within the examination period, the Commission shall be deemed not to have raised objections.

Amendment

As early as possible and not later than two weeks after the closure of the negotiations, the Member State concerned shall inform the Commission of the closure of the negotiations and shall submit the negotiated but not yet signed draft intergovernmental agreement, including annexes thereto and other texts to which it refers explicitly, to the Commission for examination. However, agreements between commercial entities are not subject to this obligation.

Or. en

Amendment 104

Yannick Jadot

on behalf of the Verts/ALE Group

Proposal for a decision

Article 5 – paragraph 1

Text proposed by the Commission

The Commission *may on its own initiative* until four *weeks* after *it has been informed of the closure of the negotiations* at the latest *or on request from the Member State which has negotiated the intergovernmental agreement*, assess the compatibility of the negotiated agreement with Union law *before the agreement has been signed. In case the Commission or the Member State concerned ask for such an ex-ante assessment of the negotiated intergovernmental agreement with Union law*, the *negotiated but not yet signed draft intergovernmental agreement shall be submitted to the Commission for examination*. The Member State concerned shall refrain from signing the agreement *for a period of four months following the submission of the draft intergovernmental agreement*. In agreement with the Member State concerned, the examination period might be prolonged. *When a compatibility control has been requested, in* the absence of an opinion by the Commission within the examination period, the Commission shall be deemed not to have raised objections.

Amendment

Member States shall submit negotiated but not yet signed draft intergovernmental agreements to the Commission for examination. The Commission *shall*, until four *months* after *submission* at the latest, assess the compatibility of the negotiated agreement with Union law, *especially concerning competition law and internal energy market legislation, as well as with the Union's long-term energy and climate objectives*. The Member State concerned shall refrain from signing the agreement *in this examination* period. In agreement with the Member State concerned, the examination period might be prolonged. *In* the absence of an opinion by the Commission within the examination period, the Commission shall be deemed not to have raised objections.

Or. en

Justification

A mandatory ex-ante compatibility control, including a focus on long-term objectives and internal market law, can serve as an early warning for the Member States, which avoids complicate re-negotiating of the intergovernmental agreement.

Amendment 105
Giles Chichester

Proposal for a decision
Article 5 – paragraph 1

Text proposed by the Commission

The Commission may on its own initiative until four weeks after it has been informed of the closure of the negotiations at the latest or on request from the Member State which has negotiated the intergovernmental agreement, assess the compatibility of the negotiated agreement with Union law before the agreement has been signed. In case the ***Commission or the*** Member State concerned ask for such an ex-ante assessment of the negotiated intergovernmental agreement with Union law, the negotiated but not yet signed draft intergovernmental agreement shall be submitted to the Commission for examination. The Member State concerned shall refrain from signing the agreement for a period of ***four*** months following the submission of the draft intergovernmental agreement. In agreement with the Member State concerned, the examination period might be prolonged. When a compatibility control has been requested, in the absence of an opinion by the Commission within the examination period, the Commission shall be deemed not to have raised objections.

Amendment

At the request ***of*** the Member State which has negotiated the intergovernmental agreement, ***the Commission shall*** assess the compatibility of the negotiated agreement with Union law before the agreement has been signed. In case the Member State concerned ask for such an ex-ante assessment of the negotiated intergovernmental agreement with Union law, the negotiated but not yet signed draft intergovernmental agreement shall be submitted to the Commission for examination. The Member State concerned shall refrain from signing the agreement for a period of ***two*** months following the submission of the draft intergovernmental agreement. In agreement with the Member State concerned, the examination period might be prolonged. When a compatibility control has been requested, ***and to avoid any unnecessary delays in signing the agreement, the Commission shall inform the Member State as soon as possible before the end of the examination period if they do not intend to raise any objections. The Commission shall endeavour to express an opinion, positive or negative, on all compatibility control requests but in the*** absence of an opinion by the Commission within the examination period, the Commission shall be deemed not to have raised objections.

Or. en

Amendment 106
Takis Hadjigeorgiou

Proposal for a decision
Article 5 – paragraph 1

Text proposed by the Commission

The Commission may on *its own initiative until four weeks after it has been informed of the closure of the negotiations at the latest or on* request from the Member State which has negotiated the intergovernmental agreement, assess the compatibility of the negotiated agreement with Union law before the agreement has been signed. In case the *Commission or the* Member State concerned *ask* for such an ex-ante assessment of the negotiated intergovernmental agreement with Union law, the negotiated but not yet signed draft intergovernmental agreement shall be submitted to the Commission for examination. *The Member State concerned shall refrain from signing the agreement for a period of four months following the submission of the draft intergovernmental agreement.* In agreement with the Member State concerned, the examination period might be prolonged. When a compatibility control has been requested, in the absence of an opinion by the Commission within the examination period, the Commission shall be deemed not to have raised objections.

Amendment

The Commission may on request from the Member State which has negotiated the intergovernmental agreement, assess the compatibility of the negotiated agreement with Union law before the agreement has been signed. In case the Member State concerned *asks* for such an ex-ante assessment of the negotiated intergovernmental agreement with Union law, the negotiated but not yet signed draft intergovernmental agreement shall be submitted to the Commission for examination. In agreement with the Member State concerned, the examination period might be prolonged. When a compatibility control has been requested, in the absence of an opinion by the Commission within the examination period, the Commission shall be deemed not to have raised objections.

Or. en

Amendment 107
Gaston Franco

Proposal for a decision
Article 5 – paragraph 1

Text proposed by the Commission

The Commission may *on its own initiative*

Amendment

The Commission may, *at the request of a*

until four weeks after it has been informed of the closure of the negotiations at the latest or on request from the Member State which has negotiated the intergovernmental agreement, assess the compatibility of the negotiated agreement with Union law before the agreement has been signed. In case *the Commission or the Member State concerned ask* for such an ex-ante assessment of the negotiated intergovernmental agreement with Union law, the negotiated but not yet signed draft intergovernmental agreement shall be submitted to the Commission for examination. The Member State concerned shall refrain from signing the agreement for a period of four months following the submission of the draft intergovernmental agreement. In agreement with the Member State concerned, the examination period might be prolonged. When a compatibility control has been requested, in the absence of an opinion by the Commission within the examination period, the Commission shall be deemed not to have raised objections.

Member State, until four weeks after it has been informed of the closure of the negotiations at the latest or on request from the Member State which has negotiated the intergovernmental agreement, assess the compatibility of the negotiated agreement with Union law before the agreement has been signed. In case the Member State concerned *asks* for such an ex-ante assessment of the negotiated intergovernmental agreement with Union law, the negotiated but not yet signed draft intergovernmental agreement shall be submitted to the Commission for examination. The Member State concerned shall refrain from signing the agreement for a period of four months following the submission of the draft intergovernmental agreement. In agreement with the Member State concerned, the examination period might be prolonged. When a compatibility control has been requested, in the absence of an opinion by the Commission within the examination period, the Commission shall be deemed not to have raised objections.

Or. fr

Amendment 108
Michael Theurer

Proposal for a decision
Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Where the assessment of a draft intergovernmental agreement results in a negative opinion, the Commission shall inform the European Parliament and provide the Member State concerned with a possible solution or specify the needs of re-negotiation which shall be taken duly into account by the Member State

concerned.

Or. en

Amendment 109

Alejo Vidal-Quadras, Cristina Gutiérrez-Cortines, Pilar del Castillo Vera

Proposal for a decision

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Where the Commission identifies incompatibility between the negotiated agreement and Union law, the Member State should eliminate the incompatibility identified. If the Member State signs the agreement without having eliminated the incompatibility, the Commission may launch infringements proceedings.

Or. en

Amendment 110

Bendt Bendtsen

Proposal for a decision

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Along with the legal opinion, the Commission shall also draw up an analysis showing the extent to which the relevant third country has itself introduced and enforced legislation similar to EU legislation in the field of energy, and in particular the provisions in the Third Energy Package.

Or. da

Amendment 111

Yannick Jadot

on behalf of the Verts/ALE Group

Proposal for a decision

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Where the assessment of a draft Intergovernmental Agreement results in a negative opinion, the Commission shall provide possible solutions or specify the needs of re-negotiation, which shall be taken duly into account by the Member State concerned.

Or. en

Justification

The consequences of each step of the control mechanism should be made explicit, meaning the need for the Commission to suggest solutions and the obligation of the Member State to take account of the Commission's recommendation.

Amendment 112

Bernd Lange

Yannick Jadot

on behalf of the Verts/ALE Group

Proposal for a decision

Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5a

Coherence between energy and investment agreements

The European Commission has to ensure that energy agreements containing investment provisions are consistent with Union law on bilateral investment agreements and Union investment policy, including the resulting rights of scrutiny and opinion of the European Parliament.

The Commission shall report to the European Parliament and the Council regarding those specific energy provisions which are relevant for the purpose of this Decision.

Or. en

Justification

A coherence between investment and energy agreements is not only necessary in terms of good policy making, but must also reflect the competences of the different institutional actors as stipulated by the Lisbon Treaty, meaning for example the right of scrutiny of the European Parliament in the area of investment policy.

Amendment 113

Bernd Lange

Proposal for a decision

Article 6 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission shall facilitate the coordination among Member States with the view to:

Amendment

1. The Commission shall facilitate ***and encourage*** the coordination among Member States with the view to:

Or. de

Amendment 114

Bernd Lange

Proposal for a decision

Article 6 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

aa) consistency between energy and investment agreements. The Commission shall ensure that energy agreements which contain provisions on investment are in accordance with the legislation on bilateral investment agreements. It shall also safeguard the European

Parliament's right of participation in relation to future energy agreements which contain provisions on investment. In particular, account shall be taken of the European Parliament's recommendations on future investment policy;

Or. de

Amendment 115

Niki Tzavela

Proposal for a decision

Article 6 – paragraph 1 – point b

Text proposed by the Commission

(b) identify common problems in relation to intergovernmental agreements and to consider appropriate action to address these problems;

Amendment

(b) identify common problems in relation to intergovernmental agreements and to consider appropriate action ***and propose solutions*** to address these problems;

Or. en

Amendment 116

Yannick Jadot

on behalf of the Verts/ALE Group

Proposal for a decision

Article 6 – paragraph 1 – point c

Text proposed by the Commission

(c) on the basis of best practice, develop standard clauses the use of which would ensure full compliance of future intergovernmental agreements with Union energy legislation.

Amendment

(c) on the basis of best practice, develop standard clauses the use of which would ensure full compliance of future intergovernmental agreements with Union energy legislation ***and the level of security of energy supply envisaged in the Union's long-term energy and climate objectives.***

Or. en

Justification

In order to avoid re-negotiation of agreements, EU long-term energy and climate objectives should be considered from the beginning.

Amendment 117

András Gyürk

Proposal for a decision

Article 6 – paragraph 1 – point c

Text proposed by the Commission

(c) on the basis of best *practice*, **develop standard clauses** the use of which would **ensure full** compliance of future intergovernmental agreements with Union energy legislation.

Amendment

(c) **develop non-binding standard clauses** on the basis of best *practices*, the use of which would **significantly improve** compliance of future intergovernmental agreements with Union energy legislation.

Or. en

Justification

The application of standard clauses improves the compatibility of the negotiated intergovernmental agreement with Union law, however it does not ensure the full compatibility of those parts of the agreement which are not covered by standard clauses.

Amendment 118

Giles Chichester

Proposal for a decision

Article 6 – paragraph 1 – point c

Text proposed by the Commission

(c) on the basis of best practice, develop standard clauses **the use of which** would ensure full compliance of future intergovernmental agreements with Union energy legislation.

Amendment

(c) on the basis of best practice, develop standard clauses **that if applied** would ensure full compliance of future intergovernmental agreements with Union energy legislation.

Or. en

Amendment 119

Yannick Jadot

on behalf of the Verts/ALE Group

Proposal for a decision

Article 6 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) coordinate agreements with a view to guaranteeing that physical capacity and pipeline capacity are aligned and correspond to the energy and climate objectives as well as the level of security of supply developed through the Union's long-term energy and climate goals avoiding the Union to remain blocked with surplus capacity.

Or. en

Justification

In order to avoid re-negotiation of agreements, EU long-term energy and climate objectives should be considered from the beginning and provisions of agreements that block capacity without actual energy delivery should be avoided, not at least from an economic perspective but also to the benefit of the European consumer.

Amendment 120

Lena Kolarska-Bobińska

Proposal for a decision

Article 6 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) encourage the development of multilateral intergovernmental agreements involving multiple Member States or the Union as a whole as opposed to national bilateral agreements with third countries.

Or. en

Amendment 121
Bernd Lange

Proposal for a decision
Article 6 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) integrate the agreements into and make them part of the common European energy policy as described in the Roadmap 2050.

Or. de

Amendment 122
Silvia-Adriana Țicău

Proposal for a decision
Article 6 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(c b) a guide on the conduct of negotiations, with a view to ensuring compliance with EU law, solidarity between Member States and energy supply.

Or. ro

Amendment 123
Gaston Franco

Proposal for a decision
Article 7 – paragraph 1

Text proposed by the Commission

Amendment

When providing information to the Commission in accordance with Article 3, the Member State ***may indicate whether any part of the information, in particular commercial information, is to be regarded***

When providing information to the Commission in accordance with Article 3, the Member State ***shall choose the form in which the information is to be forwarded to ensure that sensitive commercial***

as confidential and whether the information provided can be shared with other Member States. The Commission shall respect these indications. Requests for confidentiality do not restrict access of the Commission itself to confidential information.

information is protected.

Or. fr

Amendment 124

Yannick Jadot

on behalf of the Verts/ALE Group

Proposal for a decision Article 7 – paragraph 1

Text proposed by the Commission

When providing information to the Commission in accordance with Article 3, the Member State may indicate whether **any part of the information, in particular** commercial information, is to be regarded as confidential and whether the information provided can be shared with other Member States. The Commission shall respect these indications. Requests for confidentiality do not restrict access of the Commission itself to confidential information.

Amendment

When providing information to the Commission in accordance with Article 3, the Member State may indicate whether commercial information **contained therein** is to be regarded as confidential and whether the information provided can be shared with other Member States. The Commission shall respect these indications. Requests for confidentiality do not restrict access of the Commission itself to confidential information. **All Member States shall receive summaries of the provisions that include information regarded as partially confidential.**

Or. en

Justification

Member States should have the possibility to protect the confidentiality of commercial information. Basic information of agreements should however be available to all Member States, so that the purposes of this Decision can be served.

Amendment 125

Lena Kolarska-Bobińska

Proposal for a decision
Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Where a Member State requests that part of an agreement be regarded as confidential, the Commission shall delete that information from documents shared with Member States, providing information in the place of the deletion on what has been deleted.

Or. en

Justification

While it is correct that confidential information should be retracted from shared texts, Member States should be informed that such a retraction had taken place and the location of these retractions. Without this information, it would be unclear to a Member State if they have access to the whole or only part of an agreement, annexes or other documents. Therefore a note should be included to this effect, e.g. "The price shall be set at [retracted]" or "[This annex has been retracted based on confidential]" or "[A document has been retracted based on confidential]"

Amendment 126
Yannick Jadot
on behalf of the Verts/ALE Group

Proposal for a decision
Article 8 – title

Text proposed by the Commission

Amendment

Review

Reporting and Review

Or. en

Justification

Reporting obligations should be included, to verify if the Decision serves its purpose and in order to ensure democratic control.

Amendment 127
Silvia-Adriana Țicău

Proposal for a decision
Article 8 – paragraph 1

Text proposed by the Commission

(1) **Four years** after *its* entry into force, the Commission shall submit a report on **the** application **of this Decision** to the European Parliament, the Council and the European Economic and Social Committee.

Amendment

(1) After **the** entry into force **of this Decision**, the Commission shall submit, **each year**, a report on **its** application to the European Parliament, the Council and the European Economic and Social Committee.

Or. ro

Amendment 128
Rolandas Paksas

Proposal for a decision
Article 8 – paragraph 1

Text proposed by the Commission

1. **Four** years after its entry into force, the Commission shall submit a report on the application of this Decision to the European Parliament, the Council and the European Economic and Social Committee.

Amendment

1. **Two** years after its entry into force, the Commission shall submit a report on the application of this Decision to the European Parliament, the Council and the European Economic and Social Committee.

Or. lt

Amendment 129
Yannick Jadot
on behalf of the Verts/ALE Group

Proposal for a decision
Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission shall report annually

to the European Parliament on the information received pursuant to Article 3 and shall provide the European Parliament with a comprehensive evaluation within 24 months after the entry into force of this Decision.

Or. en

Justification

Reporting obligations should be included, to verify if the Decision serves its purpose and in order to ensure democratic control.

Amendment 130
Giles Chichester

Proposal for a decision
Article 8 – paragraph 2

Text proposed by the Commission

2. The report shall in particular assess whether this Decision provides for a sufficient framework in order to ensure full compliance of intergovernmental agreements with Union law and a high level of coordination between Member States with regard to intergovernmental agreements.

Amendment

2. The report shall in particular assess whether this Decision provides for a sufficient framework in order to ensure full compliance of intergovernmental agreements with Union law and a high level of coordination between Member States with regard to intergovernmental agreements. *It shall also assess whether the timeframes laid down in this Decision are appropriate and the impact they have had on Member States' negotiations with third countries.*

Or. en

Amendment 131
Lena Kolarska-Bobińska

Proposal for a decision
Article 10 – paragraph 1

Text proposed by the Commission

This Decision is addressed to the Member States.

Amendment

This Decision is addressed to the Member States *and entities under Article 3a*.

Or. en