



2016/0031(COD)

1.7.2016

AMENDMENTS

28 - 231

Draft report
Zdzisław Krasnodębski
(PE583.986v01-00)

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

Proposal for a decision
(COM(2016)0053 – C8-0034/2016 – 2016/0031(COD))

Amendment 28
Jean-Luc Schaffhauser, Lorenzo Fontana

Proposal for a decision
Citation 3 a (new)

Text proposed by the Commission

Amendment

Having regard to the reasoned opinion of 30 March 2016 of the Austrian Federal Assembly on the proposal for a decision of the European Parliament and of the Council on establishing an information exchange mechanism with regard to intergovernmental agreements and non-binding instruments between Member States and third countries in the field of energy and repealing Decision No 994/2012/EU and the proposal for a regulation of the European Parliament and of the Council concerning measures to safeguard security of gas supply and repealing Regulation (EU) No 994/2010,

Or. fr

Amendment 29
Jean-Luc Schaffhauser, Lorenzo Fontana

Proposal for a decision
Citation 3 b (new)

Text proposed by the Commission

Amendment

Having regard to the reasoned opinion of the French Senate of 11 April 2016 on the proposal for a decision of the European Parliament and of the Council on establishing an information exchange mechanism with regard to intergovernmental agreements and non-binding instruments between Member States and third countries in the field of energy and repealing Decision No 994/2012/EU,

Amendment 30
Jean-Luc Schaffhauser, Lorenzo Fontana

Proposal for a decision
Recital 1

Text proposed by the Commission

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

Amendment

(1) The proper functioning of the **inter-state** energy market requires that the energy imported into the Union be fully **controlled** by **and** the **responsibility of** the **Member States which are themselves responsible for their own security of energy supply**. **A regulated** internal energy market that does not function properly **and any weakness shown by the Member States will reduce the resilience of the supply system and put** the Union in a vulnerable and disadvantageous position with regard to security of energy supply, and **undermine** its potential benefits to **the consumers and industry of European countries**.

Amendment 31
Neoklis Sylikiotis, Paloma López Bermejo

Proposal for a decision
Recital 1 a (new)

Text proposed by the Commission

(1a) It is important not to jeopardise the ability of Member States to negotiate the content of the intergovernmental agreements.

Amendment

Amendment 32
Jean-Luc Schaffhauser, Lorenzo Fontana

Proposal for a decision
Recital 2

Text proposed by the Commission

Amendment

(2) The objective of the Energy Union Strategy, as adopted by the Commission on 25 February 2015⁸, is to give consumers secure, sustainable, competitive and affordable energy. More precisely, the Energy Union Strategy emphasizes that full compliance of agreements related to the buying of energy from third countries with Union law is an important element in ensuring energy security, building on the analysis already carried out in the European Energy Security Strategy of May 2014⁹. ***In the same spirit, the European Council in its conclusions of 19 March 2015 called for full compliance with Union law of all agreements related to the buying of gas from external suppliers, notably by reinforcing transparency of such agreements and compatibility with Union energy security provisions.***

deleted

⁸ COM(2015) 80.

⁹ COM(2014) 330.

Or. fr

Amendment 33
Neoklis Sylikiotis

Proposal for a decision
Recital 4

Text proposed by the Commission

Amendment

(4) ***However,*** Decision No

(4) Decision No 994/2012/EU mainly

994/2012/EU *proved ineffective in terms of ensuring compliance of intergovernmental agreements with Union law. That Decision* mainly relied on the assessment of intergovernmental agreements by the Commission after they were concluded by the Member States with a third country. *Experience gained in the implementation of the Decision 994/2012/EU demonstrated that such an ex-post assessment does not fully exploit the potential for ensuring compliance of intergovernmental agreement with Union law. In particular, intergovernmental agreements often contain no appropriate termination or adaptation clauses which would allow Member States to bring the intergovernmental agreement in compliance with Union law within a reasonable period of time. Furthermore, the positions of the signatories have already been fixed, which creates political pressure not to change any aspect of the agreement.*

relied on the assessment of intergovernmental agreements by the Commission after they were concluded by the Member States with a third country.

Or. en

Amendment 34
Jean-Luc Schaffhauser, Lorenzo Fontana

Proposal for a decision
Recital 4

Text proposed by the Commission

(4) However, Decision No 994/2012/EU proved ineffective in terms of ensuring compliance of intergovernmental agreements with Union law. That Decision mainly relied on the assessment of intergovernmental agreements by the Commission after they were concluded by the Member States with a third country. Experience gained in the implementation of the Decision 994/2012/EU demonstrated that such an

Amendment

(4) However, Decision No 994/2012/EU proved ineffective in terms of ensuring compliance of intergovernmental agreements with Union law. That Decision mainly relied on the assessment of intergovernmental agreements by the Commission after they were concluded by the Member States with a third country. Experience gained in the implementation of the Decision 994/2012/EU demonstrated that such an

ex-post assessment *does not fully exploit the potential for ensuring compliance of intergovernmental agreement with Union law. In particular, intergovernmental agreements often contain no appropriate termination or adaptation clauses which would allow Member States to bring the intergovernmental agreement in compliance with Union law within a reasonable period of time. Furthermore, the positions of the signatories have already been fixed, which creates political pressure not to change any aspect of the agreement.*

ex-post assessment *is too cumbersome to implement and encroaches too much on the diplomacy and energy policy of Member States.*

Or. fr

Amendment 35

David Borrelli, Dario Tamburrano

Proposal for a decision

Recital 4

Text proposed by the Commission

(4) However, Decision No 994/2012/EU *proved ineffective in terms of* ensuring compliance of intergovernmental agreements with Union law. That Decision mainly relied on the assessment of intergovernmental agreements by the Commission after they were concluded by the Member States with a third country. Experience gained in the implementation of *the* Decision 994/2012/EU *demonstrated* that such an ex-post assessment does not fully exploit the potential for ensuring compliance of intergovernmental agreement with Union law. In particular, intergovernmental agreements often contain no appropriate termination or adaptation clauses which would allow Member States to bring the intergovernmental agreement in compliance with Union law within a reasonable period of time. Furthermore, the

Amendment

(4) However, *the effectiveness of* Decision No 994/2012/EU *in* ensuring compliance of intergovernmental agreements (*IGAs*) with Union law *remains untested due to the small number of IGAs submitted to the Commission.* That Decision mainly relied on the assessment of intergovernmental agreements by the Commission after they were concluded by the Member States with a third country. Experience gained in the implementation of Decision 994/2012/EU *suggests* that such an ex-post assessment does not fully exploit the potential for ensuring compliance of intergovernmental agreement with Union law. In particular, intergovernmental agreements often contain no appropriate termination or adaptation clauses which would allow Member States to bring the intergovernmental agreement in

positions of the signatories have already been fixed, which creates political pressure not to change any aspect of the agreement.

compliance with Union law within a reasonable period of time. Furthermore, the positions of the signatories have already been fixed, which creates political pressure not to change any aspect of the agreement.

Or. en

Amendment 36

Angelika Mlinar, Lieve Wierinck, Morten Helveg Petersen

Proposal for a decision

Recital 5

Text proposed by the Commission

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

Amendment

(5) In order to avoid any incompliance with Union law and enhance transparency, Member States should inform the Commission of their intent to enter into negotiations with regard to new intergovernmental agreements or amendments to existing intergovernmental agreements as soon as possible. The Commission should be kept informed regularly of the progress of the negotiations. ***The Commission should participate in the negotiations as an observer if it considers this to be necessary in light of the functioning of the internal energy market or the security of energy supply in the Union, it should participate in the negotiations as an observer.*** Member States should, ***in any case***, have the possibility to invite the Commission to participate in the negotiations as an observer.

Or. en

Amendment 37

Zigmantas Balčytis

Proposal for a decision

Recital 5

Text proposed by the Commission

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

Amendment

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

Or. It

Amendment 38

Jean-Luc Schaffhauser, Lorenzo Fontana

Proposal for a decision

Recital 5

Text proposed by the Commission

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

Amendment

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

Amendment 39
Neoklis Sylikiotis, Paloma López Bermejo

Proposal for a decision
Recital 5

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 40
Indrek Tarand
on behalf of the Verts/ALE Group

Proposal for a decision
Recital 5

Text proposed by the Commission

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

Amendment

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

regularly of the progress of the negotiations. *Member States* should have the possibility *to invite the Commission* to participate in the negotiations as an observer.

regularly of the progress of the negotiations. *The Commission* should *also* have the possibility to participate in the negotiations as an observer.

Or. en

Amendment 41
Neoklis Sylikiotis

Proposal for a decision
Recital 6

Text proposed by the Commission

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

Amendment

(6) During the negotiations *of an intergovernmental agreement*, the Commission should have the possibility, *at the request of the Member States involved, to advise* on how to avoid incompatibility with Union law. In *that framework*, the Commission should *also* have the possibility to draw attention *of the Member States concerned* to the Union's energy policy objectives and the principle of solidarity between Member States and Union policy positions adopted in Council or European Council conclusions *where relevant. However, this should not form part of the legal assessment of the Commission of the draft intergovernmental agreement or amendment*.

Or. en

Amendment 42
Jean-Luc Schaffhauser, Lorenzo Fontana

Proposal for a decision
Recital 6

Text proposed by the Commission

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

Amendment

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

Or. fr

Amendment 43

Angelika Mlinar, Lieve Wierinck, Morten Helveg Petersen

Proposal for a decision

Recital 6

Text proposed by the Commission

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

Amendment

(6) During the negotiations the Commission should have the possibility to ***advise*** on how to ***ensure compliance*** with Union law. In particular, the Commission ***should*** develop, together with Member States, optional model clauses or guidelines. ***Such model clauses or guidelines should serve as a tool of reference for the competent authorities and increase transparency and compliance with Union law.***

Or. en

Amendment 44

David Borrelli, Dario Tamburrano

Proposal for a decision

Recital 6

Text proposed by the Commission

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

Amendment

(6) During the negotiations the Commission should have the possibility to advice on how to avoid incompatibility with Union law ***and on how to achieve best a comprehensive legal protection for all Union parties to be involved in the IGA.*** In particular, the Commission could develop, together with Member States, optional model clauses or guidelines ***and examples of draft clauses that should, in principle, be avoided, due to their potential risk.*** The Commission should have the possibility to draw attention to the Union's energy policy objectives and the principle of solidarity between Member States and Union policy positions adopted in Council or European Council conclusions.

Or. en

Amendment 45

Indrek Tarand

on behalf of the Verts/ALE Group

Proposal for a decision

Recital 6

Text proposed by the Commission

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

Amendment

(6) During the negotiations the Commission should have the possibility to advice on how to avoid incompatibility with Union law. In particular, the Commission could develop, together with Member States, optional model clauses or guidelines. The Commission should ***also develop a list of bad practices – a "blacklist" – that are not compatible with Union law or the objectives of the Energy***

States and Union policy positions adopted in Council or European Council conclusions.

Union Strategy that Member States should avoid when negotiating intergovernmental agreements. The Commission should have the possibility to draw attention to the Union's energy policy objectives and the principle of solidarity between Member States and Union policy positions adopted in Council or European Council conclusions.

Or. en

Amendment 46
Vladimir Urutchev

Proposal for a decision
Recital 6

Text proposed by the Commission

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

Amendment

(6) During the negotiations ***of an intergovernmental agreement,*** the Commission should have the possibility to ***advise the Member State(s) concerned*** on how to avoid incompatibility with Union law. The Commission should have the possibility to draw attention ***of the Member State(s) concerned*** to the ***relevant*** Union's energy policy objectives and the principle of solidarity between Member States and Union policy positions adopted in Council or European Council conclusions.

Or. en

Amendment 47
David Borrelli, Dario Tamburrano

Proposal for a decision
Recital 7

Text proposed by the Commission

Amendment

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

(7) In order to ensure compliance with Union law, Member States should notify ***ex-ante to the Commission the sections of*** the draft intergovernmental agreement to the Commission ***which legal structure does not correspond to the model clauses or guidelines previously defined, ex ante meaning in this context "with sufficient anticipation*** before ***the IGA*** becomes legally binding for the parties". In a spirit of cooperation, the Commission should support the Member State in identifying ***potential*** compliance issues of the draft intergovernmental agreement or amendment. The respective Member State would then be better prepared to conclude a Union law compliant agreement. In order to fully benefit from the Commission's support Member States should refrain from concluding an intergovernmental agreement until the Commission has informed the Member State of its assessment. The Member States should take all necessary steps to find a suitable solution to ***solve the potential*** incompatibility identified ***in a way satisfactory to all parties.***

Or. en

Amendment 48
Jean-Luc Schaffhauser, Lorenzo Fontana

Proposal for a decision
Recital 7

Text proposed by the Commission

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

Amendment

(7) In order to ensure ***the security of energy supply of the Union***, Member States should ***be able to*** notify the draft intergovernmental agreement to the Commission before it becomes legally binding for the parties (*ex-ante assistance*). In a spirit of cooperation, the Commission should support the Member State in

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

identifying *security of supply* issues of the draft intergovernmental agreement or amendment *and provide them with legal and political support in concluding mutually advantageous agreements*. The respective Member State would then be better prepared to conclude *an agreement in keeping with their needs as regards security and continuity of supply and thus the security and continuity of supply of the Union*. The Commission should have sufficient time for such an assessment in order to provide for as much legal *and political* certainty as possible while avoiding undue delays. In order to fully benefit from the Commission's support Member States should *be able to ask for such support before the conclusion of* an intergovernmental agreement until the Commission has informed the Member State of its assessment *and its advice*. The Member States should take all necessary steps to find a suitable solution to *conclude an agreement that meets their security of supply needs and those of the Union as far as possible*.

Or. fr

Amendment 49

Angelika Mlinar, Lieve Wierinck, Morten Helveg Petersen

Proposal for a decision

Recital 7

Text proposed by the Commission

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

Amendment

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

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

amendment. The respective Member State would then be better prepared to conclude a Union law compliant agreement. The Commission should have sufficient time for such an assessment in order to provide for as much legal certainty as possible while avoiding undue delays. In order to fully benefit from the Commission's support Member States should refrain from concluding an intergovernmental agreement until the Commission has informed the Member State of its assessment. ***Such an assessment should not prejudice the substance or content of intergovernmental agreements, but should ensure that they comply with Union law. In the event of incompatibility, Member States should find a suitable solution to eliminate the incompatibility identified.***

Or. en

Amendment 50 **Zigmantas Balčytis**

Proposal for a decision **Recital 7**

Text proposed by the Commission

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

Amendment

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

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

fully benefit from the Commission's support Member States should refrain from concluding an intergovernmental agreement until the Commission has informed the Member State of its assessment. The Member States should take all necessary steps to find a suitable solution to eliminate the incompatibility identified ***and not sign intergovernmental agreements when they do not comply with EU law.***

Or. It

Amendment 51

Indrek Tarand

on behalf of the Verts/ALE Group

Proposal for a decision

Recital 7

Text proposed by the Commission

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

Amendment

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

solution to eliminate the incompatibility identified.

take all necessary steps to find a suitable solution to eliminate the incompatibility identified **and to ensure full compatibility with Union law and the objectives of the Energy Union Strategy.**

Or. en

Amendment 52

Neoklis Sylikiotis, Paloma López Bermejo

Proposal for a decision

Recital 7

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 53
Neoklis Sylikiotis, Paloma López Bermejo

Proposal for a decision
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) The Commission should consider shortening the periods provided for its assessment, in particular if a Member States so requests.

Or. en

Amendment 54
Jean-Luc Schaffhauser, Lorenzo Fontana

Proposal for a decision
Recital 8

Text proposed by the Commission

Amendment

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

deleted

Or. fr

Amendment 55
David Borrelli, Dario Tamburrano

Proposal for a decision
Recital 8

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 56

Proposal for a decision

Recital 9

Text proposed by the Commission

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

Amendment

deleted

Or. fr

Amendment 57

Angelika Mlinar, Lieve Wierinck, Morten Helveg Petersen

Proposal for a decision
Recital 9

Text proposed by the Commission

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

Amendment

(9) The Commission should assess the compatibility of intergovernmental agreements *with Union law* that entered into force or are applied provisionally prior to the entry into force of this Decision and inform the Member States accordingly. ***Such an assessment should not in any way prejudice the substance and content of agreements, but ensure they are compliant with Union law. In the event of incompatibility, Member States should find a suitable solution to eliminate the incompatibility identified.***

Or. en

Amendment 58
David Borrelli, Dario Tamburrano

Proposal for a decision
Recital 9

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 59

Vladimir Urutchev

Proposal for a decision
Recital 10

Text proposed by the Commission

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

Amendment

(10) This Decision should only apply to intergovernmental agreements that **concern the purchase, trade, transit, sale, storage or supply of energy in or to at least one Member State**, or the **construction or operation of energy infrastructure with a physical connection to at least one Member State**. In case of doubt, Member States should consult the Commission. In principle, agreements that are no longer in force or are no longer applied should therefore not be covered by this Decision.

Or. en

Amendment 60
Jean-Luc Schaffhauser, Lorenzo Fontana

Proposal for a decision
Recital 10

Text proposed by the Commission

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

Amendment

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

Or. fr

Amendment 61

Angelika Mlinar, Lieve Wierinck, Morten Helveg Petersen

Proposal for a decision

Recital 10

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 62

David Borrelli, Dario Tamburrano

Proposal for a decision

Recital 10

Text proposed by the Commission

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

Amendment

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

Amendment 63
Zigmantas Balčytis

Proposal for a decision
Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) The content of any instrument accompanying an agreement or of parts thereof, not its form, should determine whether it qualifies as an intergovernmental agreement or, in the absence of legally binding force, as a non-binding instrument for the purposes of this Decision.

Or. en

Amendment 64
Vladimir Urutchev, Esther de Lange

Proposal for a decision
Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) The legally binding force of an instrument, or of parts thereof, not its formal designation, qualifies it as an intergovernmental agreement or, in the absence of legally binding force, as a non-binding instrument for the purposes of this Decision.

Or. en

Amendment 65
Vladimir Urutchev, Esther de Lange

Proposal for a decision

Recital 11

Text proposed by the Commission

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

Amendment

(11) Member States establish relations to third countries not only by concluding intergovernmental agreements, but also in the form of non-binding instruments, ***which are often formally designated by terms such as memorandum of understanding, joint declaration, ministerial joint declaration, joint action or joint code of conduct. Even if not legally binding, such instruments can be used to set out a detailed framework for energy infrastructure and energy supply.***

Or. en

Amendment 66

Jean-Luc Schaffhauser, Lorenzo Fontana

Proposal for a decision

Recital 11

Text proposed by the Commission

(11) Member States establish relations to third countries not only by concluding intergovernmental agreements, but also in the form of non-binding instruments. ***Even if legally non-binding, such instruments can be used to set out a detailed framework for energy infrastructure and***

Amendment

(11) Member States establish relations to third countries not only by concluding intergovernmental agreements, but also in the form of non-binding instruments. ***Because they are legally non-binding, such instruments are not covered by this decision.***

energy supply. In this respect non-binding instruments can have similar impacts on the internal energy market as intergovernmental agreements as their implementation might result in a violation of Union law. In order to ensure greater transparency regarding all measures applied by Member States that can have an impact on the internal energy market and energy security, Member States should therefore submit to the Commission, ex post, also the respective non-binding instruments. The Commission should assess the submitted non-binding instruments and, if appropriate, inform the Member State accordingly.

Or. fr

Amendment 67
Neoklis Sylikiotis

Proposal for a decision
Recital 11

Text proposed by the Commission

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

Amendment

(11) Member States establish relations to third countries not only by concluding intergovernmental agreements, but also in the form of non-binding instruments. Even if legally non-binding, such instruments can be used to set out a detailed framework for energy infrastructure and energy supply. *Member states should be able, on a voluntary basis, to submit to the Commission non-binding instruments for example legally non-binding arrangements between one or more Member States and one or more third countries which set conditions for energy supply or for the development of energy infrastructures.*

Commission, ex post, also the respective non-binding instruments. The Commission should assess the submitted non-binding instruments and, if appropriate, inform the Member State accordingly.

Or. en

Amendment 68

Angelika Mlinar, Lieve Wierinck, Morten Helveg Petersen

Proposal for a decision

Recital 11

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 69

Indrek Tarand

on behalf of the Verts/ALE Group

Proposal for a decision

Recital 11

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

In order to avoid ex-ante assessment of IGAs, some parties might opt for non-binding agreements instead. Albeit formally non-binding, these agreements represent a level of commitment that might be difficult to deviate from. To close this loophole, it is proposed that all relevant non-binding agreements should be communicated to the Commission prior to their conclusion. The Commission may decide to express its opinion on draft agreements if it has doubts about potential incompatibilities with the EU law. If the Commission does not react within a certain period of time (six weeks), or if it promptly informs the relevant MS that it has no substantive objections, the parties could proceed with the signing of a non-binding agreement. The Commission's opinion on such agreements should not be binding, in order to be proportional with the non-binding nature of the agreements.

Amendment 70

David Borrelli, Dario Tamburrano

Proposal for a decision

Recital 11

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 71

Vladimir Urutchev, Esther de Lange

Proposal for a decision

Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) In the interest of greater transparency, Member States should be

able to submit to the Commission non-binding instruments or the amendment of such a non-binding instrument that set conditions for energy supply or for the development of energy infrastructures. Furthermore, in the case of doubt as to whether the arrangements of the non-binding instrument comply with the Union law, the Member State concerned should be able to consult the Commission before concluding negotiations.

Or. en

Amendment 72

Indrek Tarand

on behalf of the Verts/ALE Group

Proposal for a decision

Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) The legally binding force of an instrument or of parts thereof, not its formal designation, should determine whether it qualifies as an intergovernmental agreement or, in the absence of legally binding force, as a non-binding instrument for the purposes of this Decision.

Or. en

Amendment 73

Vladimir Urutchev

Proposal for a decision

Recital 12

Text proposed by the Commission

Amendment

(12) Intergovernmental agreements or non-binding instruments which need to be

(12) Intergovernmental agreements or non-binding instruments which need to be

notified in their entirety to the Commission on the basis of other Union acts or concern matters *such as* within the purview of the Treaty establishing the European Atomic Energy Community should not be covered by this Decision.

notified in their entirety to the Commission on the basis of other Union acts or concern matters within the purview of the Treaty establishing the European Atomic Energy Community should not be covered by this Decision.

Or. en

Amendment 74

Angelika Mlinar, Lieve Wierinck, Morten Helveg Petersen

Proposal for a decision

Recital 13

Text proposed by the Commission

(13) This Decision should not create obligations as regards agreements between undertakings. However, Member States should be free to communicate to the Commission, on a voluntary basis, such agreements that are referred to explicitly in intergovernmental agreements or non-binding instruments.

Amendment

(13) This Decision should not create obligations as regards agreements between undertakings. However, Member States should be free to communicate to the Commission, on a voluntary basis **and upon consent of the undertakings involved**, such agreements that are referred to explicitly in intergovernmental agreements or non-binding instruments, **while fully respecting commercially sensitive information**.

Or. en

Amendment 75

Krišjānis Kariņš

Proposal for a decision

Recital 13

Text proposed by the Commission

(13) This Decision should not create obligations as regards agreements between undertakings. However, Member States should be **free** to communicate to the Commission, **on a voluntary basis**, such

Amendment

(13) This Decision should not create obligations as regards agreements between undertakings. However, Member States should be **obliged** to communicate to the Commission such agreements that are

agreements that are referred to explicitly in intergovernmental agreements or non-binding instruments.

referred to explicitly in intergovernmental agreements or non-binding instruments.

Or. en

Amendment 76

Indrek Tarand

on behalf of the Verts/ALE Group

Proposal for a decision

Recital 13

Text proposed by the Commission

(13) This Decision should not create obligations as regards agreements between undertakings. However, Member States should be free to communicate to the Commission, on a voluntary basis, such agreements that are referred to explicitly in intergovernmental agreements or non-binding instruments.

Amendment

(13) This Decision should not create obligations as regards agreements *solely* between undertakings. However, Member States should be free to communicate to the Commission, on a voluntary basis, such agreements that are referred to explicitly in intergovernmental agreements or non-binding instruments.

Or. en

Justification

Word "solely" provides a certainty that only commercial contracts would be excluded from the application of this Decision.

Amendment 77

Neoklis Sylikiotis

Proposal for a decision

Recital 14

Text proposed by the Commission

(14) The Commission should make information it receives available to all other Member States in secure electronic form. The Commission should respect requests from Member States to treat information submitted to it as confidential.

Amendment

(14) The Commission should make information it receives available to all other Member States in secure electronic form. The Commission should respect requests from Member States to treat information submitted to it as confidential.

Requests for confidentiality should, however, not restrict access of the Commission itself to confidential information, as the Commission needs to have comprehensive information for its own assessments. The Commission should be responsible for guaranteeing the application of the confidentiality clause. Requests for confidentiality should be without prejudice to the right of access to documents as provided for in Regulation (EC) No 1049/2001 of the European Parliament and of the Council¹¹.

¹¹ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 299, 27.10.2001, p. 13).

The Commission should be responsible for guaranteeing the application of the confidentiality clause. Requests for confidentiality should be without prejudice to the right of access to documents as provided for in Regulation (EC) No 1049/2001 of the European Parliament and of the Council¹¹.

¹¹ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 299, 27.10.2001, p. 13).

Or. en

Amendment 78

Angelika Mlinar, Lieve Wierinck, Morten Helveg Petersen

Proposal for a decision

Recital 14

Text proposed by the Commission

(14) The Commission should make information it receives available to all other Member States in secure electronic form. The Commission should respect requests from Member States to treat information submitted to it as confidential. Requests for confidentiality should, however, not restrict access of the Commission itself to confidential information, as the Commission needs to have comprehensive information for its own assessments. The Commission should be responsible for guaranteeing the application of the confidentiality clause.

Amendment

(14) The Commission should make information it receives ***on intergovernmental agreements and non-binding instruments*** available to all other Member States in secure electronic form ***in order to enhance coordination and transparency between Member States and thus leveraging their negotiation power vis-à-vis third countries***. The Commission should respect requests from Member States to treat information submitted to it as confidential. Requests for confidentiality should, however, not restrict access of the Commission itself to confidential

Requests for confidentiality should be without prejudice to the right of access to documents as provided for in Regulation (EC) No 1049/2001 of the European Parliament and of the Council¹¹.

information, as the Commission needs to have comprehensive information for its own assessments. The Commission should be responsible for guaranteeing the application of the confidentiality clause. Requests for confidentiality should be without prejudice to the right of access to documents as provided for in Regulation (EC) No 1049/2001 of the European Parliament and of the Council¹¹.

¹¹ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 299, 27.10.2012, p. 13).

¹¹ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 299, 27.10.2012, p. 13).

Or. en

Amendment 79
David Borrelli, Dario Tamburrano

Proposal for a decision
Recital 14

Text proposed by the Commission

(14) The Commission should make information it receives available to all other Member States in secure electronic form. The Commission should respect requests from Member States to treat information submitted to it as confidential. Requests for confidentiality should, however, not restrict access of the Commission itself to confidential information, as the Commission needs to have comprehensive information for its own assessments. The Commission should be responsible for guaranteeing the application of the confidentiality clause. Requests for confidentiality should be without prejudice to the right of access to documents as provided for in Regulation

Amendment

(14) The Commission should make **legal** information it receives available to all other Member States in secure electronic form. The Commission should respect requests from Member States to treat information submitted to it as confidential. Requests for confidentiality should, however, not restrict access of the Commission itself to confidential information, as the Commission needs to have comprehensive information for its own **legal** assessments. The Commission should be responsible for guaranteeing the application of the confidentiality clause. Requests for confidentiality should be without prejudice to the right of access to documents as provided for in Regulation

(EC) No 1049/2001 of the European Parliament and of the Council¹¹ .

(EC) No 1049/2001 of the European Parliament and of the Council¹¹ .

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

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

Or. en

Amendment 80
Jean-Luc Schaffhauser, Lorenzo Fontana

Proposal for a decision
Recital 15

Text proposed by the Commission

(15) If a Member State considers an intergovernmental agreement to be confidential, it ***should*** provide the Commission with a summary of it for the purposes of sharing that summary with the other Member States.

Amendment

(15) If a Member State considers an intergovernmental agreement to be confidential, it ***could*** provide the Commission with a summary of it for the purposes of sharing that summary with the other Member States.

Or. fr

Amendment 81
David Borrelli, Dario Tamburrano

Proposal for a decision
Recital 15

Text proposed by the Commission

(15) If a Member State considers an intergovernmental agreement to be confidential, it should provide the Commission with a summary of it for the purposes of sharing that summary with the other Member States.

Amendment

(15) If a Member State considers an intergovernmental agreement to be confidential, it should provide the Commission with a summary of it for the purposes of sharing that summary with the other Member States. ***Such a summary***

should explicitly and clearly highlight, inter alia, any planned use of legal clauses that are not fully aligned with the model clauses established by the Commission.

Or. en

Amendment 82

Jean-Luc Schaffhauser, Lorenzo Fontana

Proposal for a decision

Recital 16

Text proposed by the Commission

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

Amendment

(16) A permanent exchange of information on intergovernmental agreements at Union level should enable best practices to be developed.

Or. fr

Amendment 83

David Borrelli, Dario Tamburrano

Proposal for a decision

Recital 16

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 84

Angelika Mlinar, Lieve Wierinck, Morten Helveg Petersen

Proposal for a decision

Recital 16

Text proposed by the Commission

(16) A permanent exchange of information on intergovernmental agreements at Union level should enable best practices to be developed. On the basis of those best practices, the Commission, where appropriate in cooperation with the European External Action Service as

Amendment

(16) A permanent exchange of information on intergovernmental agreements at Union level should enable best practices to be developed. On the basis of those best practices, the Commission, where appropriate in cooperation with the European External Action Service as

regards the Union's external policies, should develop optional model clauses to be used in intergovernmental agreements between Member States and third countries. The use of such model clauses should *aim to avoid conflicts* of intergovernmental agreements with Union law, in particular internal energy market rules and competition law, and conflicts with international agreements concluded by the Union. Their use should be optional, and it should be possible to adapt their content to any particular circumstance.

regards the Union's external policies, should develop optional model clauses to be used in intergovernmental agreements between Member States and third countries. The use of such model clauses should *ensure the compliance* of intergovernmental agreements with Union law, in particular internal energy market rules and competition law, and conflicts with international agreements concluded by the Union. Their use should be optional, and it should be possible to adapt their content to any particular circumstance.

Or. en

Amendment 85 **Vladimir Urutchev**

Proposal for a decision **Recital 16**

Text proposed by the Commission

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

Amendment

(16) A permanent exchange of information on intergovernmental agreements at Union level should enable best practices to be developed. On the basis of those best practices, the Commission, *in cooperation with Member States, and* where appropriate in cooperation with the European External Action Service as regards the Union's external policies, should develop optional model clauses to be used in intergovernmental agreements between Member States and third countries, *as well as a list of examples of clauses that do not respect Union law and should therefore not be used.* The use of such model clauses should aim to avoid conflicts of intergovernmental agreements with Union law, in particular internal energy market rules and competition law, and conflicts with international agreements concluded by the Union. Their use should be optional, and it should be possible to

adapt their content to any particular circumstance.

Or. en

Amendment 86

Indrek Tarand

on behalf of the Verts/ALE Group

Proposal for a decision

Recital 16

Text proposed by the Commission

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

Amendment

(16) A permanent exchange of information on intergovernmental agreements at Union level should enable best practices to be developed. On the basis of those best practices, the Commission, where appropriate in cooperation with the European External Action Service as regards the Union's external policies, should develop optional model clauses to be used in intergovernmental agreements between Member States and third countries. The use of such model clauses should aim to avoid conflicts of intergovernmental agreements with Union law, in particular internal energy market rules and competition law, and conflicts with international agreements concluded by the Union. Their use should be optional, and it should be possible to adapt their content to any particular circumstance. ***The Commission should also develop a list of bad practices – a "blacklist" – that are not compatible with Union law or the objectives of the Energy Union Strategy and that Member States should avoid when negotiating intergovernmental agreements.***

Or. en

Amendment 87
Jean-Luc Schaffhauser, Lorenzo Fontana

Proposal for a decision
Recital 17

Text proposed by the Commission

(17) The improved mutual knowledge of existing and new intergovernmental agreements **and non-binding instruments** should allow for better coordination in energy matters between Member States **and between Member States and the Commission**. Such improved coordination should enable Member States to **benefit** fully from the political and economic weight of the Union **and enable the Commission to propose solutions for problems identified in the area of intergovernmental agreements**.

Amendment

(17) The improved mutual knowledge of existing and new intergovernmental agreements should allow for better coordination in energy matters between Member States. Such improved coordination should enable Member States to fully **benefit** from the political and economic weight of the Union.

Or. fr

Amendment 88
Angelika Mlinar, Lieve Wierinck, Morten Helveg Petersen

Proposal for a decision
Recital 17

Text proposed by the Commission

(17) The improved mutual knowledge of existing and new intergovernmental agreements and non-binding instruments should **allow for better** coordination in energy matters between Member States and between Member States and the Commission. Such improved coordination should enable Member States to benefit fully from the political and economic weight of the Union and enable the Commission to **propose solutions for problems identified** in the area of **intergovernmental agreements**.

Amendment

(17) The improved mutual knowledge of existing and new intergovernmental agreements and non-binding instruments should **enhance transparency and** coordination in energy matters between Member States and between Member States and the Commission. **Enhanced transparency and coordination is especially important for Member States relying on the interconnections with a Member State negotiating an intergovernmental agreement**. Such improved coordination should enable Member States to benefit fully from the

political and economic weight of the Union, *increase their negotiation power vis-à-vis third countries* and enable the Commission to *ensure security of energy supply* in the *Union*.

Or. en

Amendment 89
David Borrelli, Dario Tamburrano

Proposal for a decision
Recital 17

Text proposed by the Commission

(17) The improved mutual knowledge of existing and new intergovernmental agreements and non-binding instruments should allow for better coordination in energy matters between Member States and between Member States and the Commission. Such improved coordination should enable Member States to benefit fully from the political and economic weight of the Union and enable the Commission to propose solutions for problems identified in the area of intergovernmental agreements.

Amendment

(17) The improved mutual knowledge of existing and new intergovernmental agreements and non-binding instruments should allow for better coordination in energy matters between Member States and between Member States and the Commission. Such improved coordination should enable Member States to benefit fully from the political and economic weight of the Union and enable the Commission to propose solutions for *potential* problems identified in the area of intergovernmental agreements.

Or. en

Amendment 90
Vladimir Urutchev

Proposal for a decision
Recital 17

Text proposed by the Commission

(17) The improved mutual knowledge of existing and new intergovernmental agreements *and non-binding instruments* should allow for better coordination in

Amendment

(17) The improved mutual knowledge of existing and new intergovernmental agreements should allow for better coordination in energy matters between

energy matters between Member States and between Member States and the Commission. Such improved coordination should enable Member States to benefit fully from the political and economic weight of the Union and enable the Commission to propose solutions for problems identified in the area of intergovernmental agreements.

Member States and between Member States and the Commission. Such improved coordination should enable Member States to benefit fully from the political and economic weight of the Union and enable the Commission to propose solutions for problems identified in the area of intergovernmental agreements.

Or. en

Amendment 91

Neoklis Sylikiotis, Paloma López Bermejo

Proposal for a decision

Recital 18

Text proposed by the Commission

(18) The Commission should facilitate ***and encourage coordination*** between Member States ***with a view to enhancing the overall strategic role of the Union through a strong and effective coordinated approach to producer, transit, and consumer countries.***

Amendment

(18) The Commission should facilitate ***the cooperation*** between Member States.

Or. en

Amendment 92

Jean-Luc Schaffhauser, Lorenzo Fontana

Proposal for a decision

Recital 18

Text proposed by the Commission

(18) The ***Commission*** should facilitate and encourage coordination between Member States with a view to enhancing the overall strategic role of the Union through a strong and effective coordinated approach to producer, transit, and

Amendment

(18) The ***Council*** should facilitate and encourage coordination between Member States with a view to enhancing the overall strategic role of the Union through a strong and effective coordinated approach to producer, transit, and consumer countries.

consumer countries.

Or. fr

Amendment 93

Angelika Mlinar, Lieve Wierinck, Morten Helveg Petersen

Proposal for a decision

Recital 18

Text proposed by the Commission

(18) The Commission should facilitate and encourage coordination between Member States with a view to enhancing the overall strategic role of the Union through a strong and effective coordinated approach to producer, transit, and consumer countries.

Amendment

(18) The Commission should facilitate and encourage coordination between Member States with a view to enhancing the overall strategic role of the Union ***in the field of energy*** through a strong and effective coordinated approach to producer, transit, and consumer countries.

Or. en

Amendment 94

David Borrelli, Dario Tamburrano

Proposal for a decision

Recital 18

Text proposed by the Commission

(18) The Commission should facilitate and encourage coordination between Member States with a view to enhancing the overall strategic role of the Union through a ***strong*** and effective coordinated approach to producer, transit, and consumer countries.

Amendment

(18) The Commission should facilitate and encourage coordination between Member States with a view to enhancing the overall strategic role of the Union through a ***well-defined*** and effective ***long-term*** coordinated approach to producer, transit, and consumer countries.

Or. en

Amendment 95

Jean-Luc Schaffhauser, Lorenzo Fontana

Proposal for a decision

Recital 19

Text proposed by the Commission

(19) Since the objective of this Decision, namely the exchange of information between Member States and the Commission with regard to intergovernmental agreements **and non-binding instruments** in the field of energy, **cannot** be sufficiently achieved by the Member States but **can rather, by reason of the effects of this Decision, applicable in all Member States, be better achieved at Union level**, the Union **may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Decision does not go beyond what is necessary in order to achieve this objective.**

Amendment

(19) Since the objective of this Decision, namely the exchange of information between Member States and the Commission with regard to intergovernmental agreements in the field of energy, **can** be sufficiently achieved by the Member States but **requires cooperation between** the Member States of the Union **to achieve greater effectiveness. The Commission only has an advisory role and can in no way replace the full competence of States according to the principles of subsidiarity and proportionality.**

Or. fr

Amendment 96

Vladimir Urutchev, Esther de Lange

Proposal for a decision

Recital 19

Text proposed by the Commission

(19) Since the objective of this Decision, namely the exchange of information between Member States and the Commission with regard to intergovernmental agreements **and non-binding instruments** in the field of energy, cannot be sufficiently achieved by the Member States but can rather, by reason of the effects of this Decision, applicable in all Member States, be better achieved at

Amendment

(19) Since the objective of this Decision, namely the exchange of information between Member States and the Commission with regard to intergovernmental agreements in the field of energy, cannot be sufficiently achieved by the Member States but can rather, by reason of the effects of this Decision, applicable in all Member States, be better achieved at Union level, the Union may

Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Decision does not go beyond what is necessary in order to achieve this objective.

adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Decision does not go beyond what is necessary in order to achieve this objective.

Or. en

Amendment 97
Jean-Luc Schaffhauser, Lorenzo Fontana

Proposal for a decision
Recital 21

Text proposed by the Commission

Amendment

(21) *In 2020, the Commission should assess whether this Decision is sufficient and effective in ensuring compliance of intergovernmental agreements with Union law and that a high level of coordination exists between Member States with regard to intergovernmental agreements in the field of energy.*

deleted

Or. fr

Amendment 98
Neoklis Sylikiotis

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 **and non-binding instruments** in the field of energy

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 as defined in Article 2.

as defined in Article 2, *in order to optimise the functioning of the internal energy market.*

Or. en

Amendment 99

Indrek Tarand

on behalf of the Verts/ALE Group

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 and non-binding instruments in the field of energy as defined in Article 2, in order to optimise the functioning of the internal energy market.

Amendment

1. This Decision establishes a mechanism for the exchange of information between Member States and the Commission with regard to intergovernmental agreements and non-binding instruments in the field of energy as defined in Article 2, in order to optimise the functioning of the internal energy market *and to help achieve the goals of the Energy Union Strategy.*

Or. en

Justification

The Strategy included additional important aspects that need to be taken into account, including energy security. The central role of the Strategy is emphasised by the Commission's Proposal itself: the Proposal begins with a reference to the Energy Union Strategy as the foundation of the Decision.

Amendment 100

Jean-Luc Schaffhauser, Lorenzo Fontana

Proposal for a decision

Article 1 – paragraph 1

Text proposed by the Commission

1. This Decision establishes a mechanism for the exchange of

Amendment

1. This Decision establishes a mechanism for the exchange of

information between Member States and the Commission with regard to intergovernmental agreements *and non-binding instruments* in the field of energy as defined in Article 2, in order to optimise the functioning of the internal energy market.

information between Member States and the Commission with regard to intergovernmental agreements in the field of energy as defined in Article 2, in order to optimise the functioning of the internal energy market.

Or. fr

Amendment 101
David Borrelli, Dario Tamburrano

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 and non-binding instruments in the field of energy as defined in Article 2, in order to optimise the functioning of the internal energy market.

Amendment

1. This Decision establishes a mechanism for the exchange of *legal* information between Member States and the Commission with regard to intergovernmental agreements and non-binding instruments in the field of energy as defined in Article 2, in order to optimise the functioning of the internal energy market.

Or. en

Amendment 102
Vladimir Urutchev, Esther de Lange

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 *and non-binding instruments* in the field of energy

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 as defined in Article 2, in order

as defined in Article 2, in order to *optimise* the functioning of the internal energy market.

to *strengthen* the functioning of the internal energy market.

Or. en

Amendment 103

Vladimir Urutchev, Esther de Lange

Proposal for a decision

Article 1 – paragraph 2

Text proposed by the Commission

2. This Decision shall not apply to intergovernmental agreements ***and non-binding instruments*** which are already, in their entirety, subject to other specific notification procedures under Union law.

Amendment

2. This Decision shall not apply to intergovernmental agreements which are already, in their entirety, subject to other specific notification procedures under Union law.

Or. en

Amendment 104

Indrek Tarand

on behalf of the Verts/ALE Group

Proposal for a decision

Article 2 – paragraph 1 – point 1

Text proposed by the Commission

(1) ‘intergovernmental agreement’ means any legally binding agreement between one or more Member States and one or more third countries having an impact on the operation or the functioning of the internal energy market or on the security of energy supply in the Union; however, where such a legally binding agreement also covers other issues, only those provisions that relate to energy, including general provisions applicable to those energy-related provisions, are deemed to constitute an ‘intergovernmental

Amendment

(1) ‘intergovernmental agreement’ means any legally binding agreement, ***regardless of its formal designation,*** between one or more Member States and one or more third countries, ***international organisations as well as companies where the state is the major stakeholder or the state has a major influence in the decision making process*** having an impact on the operation or the functioning of the internal energy market or on the security of energy supply in the Union; however, where such a legally binding agreement also covers

agreement’;

other issues, only those provisions that relate to energy, including general provisions applicable to those energy-related provisions, are deemed to constitute an ‘intergovernmental agreement’;

Or. en

Justification

1) as integration processes are taking place outside the EU as well – for instance, in the post-Soviet space – one has to consider a possibility of signing an energy agreement with entities such as the Eurasian Union. 2) some energy giants, such as Gazprom, are partially owned by the state and essentially implement state energy policies.

Amendment 105 **Neoklis Sylikiotis**

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

Text proposed by the Commission

(1) ‘intergovernmental agreement’ means any legally binding agreement between one or more Member States and one or more third countries ***having an impact on the operation or the functioning of the internal energy market or on the security of energy supply in the Union;*** however, where such a legally binding agreement also covers other issues, only ***those*** provisions ***that relate to*** energy, ***including*** general provisions applicable to those energy-related provisions, are deemed to constitute an ‘intergovernmental agreement’;

Amendment

(1) ‘intergovernmental agreement’ means any legally binding agreement, ***regardless of its formal designation,*** between one or more Member States and one or more third countries ***that concerns:*** ***(a) the purchase, trade, sale, storage or supply of energy in or to at least one Member State; or*** ***(b) the construction or operation of energy infrastructure with a physical connection to at least one Member State;*** however, where such a legally binding agreement also covers other issues, only ***the*** provisions ***related to those*** energy ***issues and the*** general provisions applicable to those energy-related provisions, are deemed to constitute an ‘intergovernmental agreement’;

Or. en

Amendment 106

Vladimir Urutchev, Esther de Lange

Proposal for a decision

Article 2 – paragraph 1 – point 1

Text proposed by the Commission

(1) ‘intergovernmental agreement’ means any legally binding agreement between one or more Member States and one or more third countries **having an impact on the operation or the functioning of the internal energy market or on the security of energy supply in the Union**; however, where such a legally binding agreement also covers other issues, only **those provisions that relate to energy, including** general provisions applicable to those energy-related provisions, are deemed to constitute an ‘intergovernmental agreement’;

Amendment

(1) ‘intergovernmental agreement’ means any legally binding agreement, **regardless of its form or designation**, between one or more Member States and one or more third countries **that concerns the purchase, trade, sale, transit, storage or supply of energy in or to at least one Member State, or the construction or operation of energy infrastructure with a physical connection to at least one Member State**. However, where such a legally binding agreement also covers other issues, only **the provisions related to the above-mentioned energy issues and the** general provisions applicable to those energy-related provisions are deemed to constitute an ‘intergovernmental agreement’;

Or. en

Amendment 107

Angelika Mlinar, Lieve Wierinck, Morten Helveg Petersen

Proposal for a decision

Article 2 – paragraph 1 – point 1

Text proposed by the Commission

(1) ‘intergovernmental agreement’ means any legally binding agreement between one or more Member States and one or more third countries having **an** impact on the operation or the functioning of the internal energy market or on the security of energy supply in the Union; however, where such a legally binding agreement also covers other issues, only

Amendment

(1) ‘intergovernmental agreement’ means any legally binding agreement between one or more Member States and one or more third countries having **a potential** impact on the operation or the functioning of the internal energy market or on the security of energy supply in the Union; however, where such a legally binding agreement also covers other issues,

those provisions that relate to energy, including general provisions applicable to those energy-related provisions, are deemed to constitute an ‘intergovernmental agreement’;

only those provisions that relate to energy, including general provisions applicable to those energy-related provisions, are deemed to constitute an ‘intergovernmental agreement’;

Or. en

Amendment 108
Neoklis Sylikiotis

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

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 109
Neoklis Sylikiotis

Proposal for a decision
Article 2 – paragraph 1 – point 4

Text proposed by the Commission

Amendment

(4) ‘existing non-binding instrument’ means a non-binding instrument signed or otherwise agreed prior to the entry into force of this Decision.

deleted

Or. en

Amendment 110

Ivan Jakovčić

Proposal for a decision

Article 3 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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.

Amendment

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 before the envisaged opening of the negotiations ***once these are in the planning stage***.

Or. hr

Amendment 111

Jean-Luc Schaffhauser, Lorenzo Fontana

Proposal for a decision

Article 3 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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.

Amendment

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.

Or. fr

Amendment 112

Ivan Jakovčić

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

Text proposed by the Commission

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

Amendment

Once the Member State *has given* the Commission such notice of negotiations, the Member State concerned *shall* keep the Commission regularly informed of the progress of the negotiations.

Or. hr

Amendment 113
David Borrelli, Dario Tamburrano

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

Text proposed by the Commission

As soon as an agreement has been reached by the parties on all the main elements of a draft intergovernmental agreement or an amendment to an existing intergovernmental agreement, but before the closure of formal negotiations, the Member State concerned shall notify to the Commission this draft agreement or amendment together with any annexes thereto for ex-ante assessment in accordance with Article 5.

Amendment

As soon as an agreement has been reached by the parties on all the main elements of a draft intergovernmental agreement (*DIGA*) or an amendment to an existing intergovernmental agreement, but before the closure of formal negotiations, the Member State concerned shall notify to the Commission *the legal contents of* this draft agreement or amendment together with any *related* annexes thereto for ex-ante assessment in accordance with Article 5, *insofar the clauses of the DIGA or of the amendment do not correspond to model clauses previously established by the Commission pursuant to Article 7a.*

Or. en

Amendment 114
Jean-Luc Schaffhauser, Lorenzo Fontana

Proposal for a decision

Article 3 – paragraph 2 – subparagraph 1

Text proposed by the Commission

As soon as an agreement has been reached by the parties on all the main elements of a draft intergovernmental agreement or an amendment to an existing intergovernmental agreement, but before the closure of formal negotiations, the Member State concerned shall **notify** to the Commission this draft agreement or amendment together with any annexes thereto for ex-ante **assessment** in accordance with Article 5.

Amendment

As soon as an agreement has been reached by the parties on all the main elements of a draft intergovernmental agreement or an amendment to an existing intergovernmental agreement, but before the closure of formal negotiations, the Member State concerned shall **transmit** to the Commission this draft agreement or amendment together with any annexes thereto for ex-ante **assistance** in accordance with Article 5. **It shall, however, remain fully sovereign in its decisions.**

Or. fr

Amendment 115 Neoklis Sylikiotis

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

Text proposed by the Commission

As soon as an agreement has been reached by the parties on all the main elements of a draft intergovernmental agreement or an amendment to an existing intergovernmental agreement, **but before the closure of formal negotiations, the Member State concerned shall** notify to the Commission this draft agreement or amendment together with any annexes thereto for ex-ante assessment in accordance with Article 5.

Amendment

As soon as an agreement has been reached by the parties on all the main elements of a draft intergovernmental agreement or an amendment to an existing intergovernmental agreement, **the Member State concerned could, on a voluntary basis,** notify to the Commission this draft agreement or amendment together with any annexes thereto for ex-ante assessment in accordance with Article 5.

Or. en

Amendment 116 Neoklis Sylikiotis

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

Text proposed by the Commission

Amendment

Where the draft intergovernmental agreement or amendment to an existing intergovernmental agreement refers explicitly to other texts, the respective Member State shall also submit those other texts in so far as they contain elements which may have an impact on the functioning of the internal energy market or on the security of energy supply in the Union.

deleted

Or. en

Amendment 117
Jean-Luc Schaffhauser, Lorenzo Fontana

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

Text proposed by the Commission

Amendment

Where the draft intergovernmental agreement or amendment to an existing intergovernmental agreement refers explicitly to other texts, the respective Member State *shall* also submit those other texts in so far as they contain elements which may have an impact on the functioning of the *internal* energy market or on the security of energy supply in the Union.

Where the draft intergovernmental agreement or amendment to an existing intergovernmental agreement refers explicitly to other texts, the respective Member State *may* also submit those other texts in so far as they contain elements which may have an impact on the functioning of the *inter-state* energy market or on the security of energy supply in the Union. *It shall, however, remain fully sovereign in its decisions.*

Or. fr

Amendment 118
David Borrelli, Dario Tamburrano

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

Text proposed by the Commission

Where the draft intergovernmental agreement or amendment to an existing intergovernmental agreement refers explicitly to other texts, the respective Member State shall also submit those other texts in so far as they contain elements which may have *an* impact on the functioning of the internal energy market or on the security of energy supply in the Union.

Amendment

Where the draft intergovernmental agreement or amendment to an existing intergovernmental agreement refers explicitly to other texts, the respective Member State shall also submit those other texts in so far as they contain elements which may have *a legal* impact on the functioning of the internal energy market or on the security of energy supply in the Union.

Or. en

Amendment 119
Marian-Jean Marinescu

Proposal for a decision
Article 3 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The information provided to the Commission shall include indications of the provisions to be addressed in the negotiations, the objectives of the negotiations and other relevant information in accordance with confidentiality provisions as set out Article 8.

Or. en

Amendment 120
Marian-Jean Marinescu

Proposal for a decision
Article 3 – paragraph 2 – subparagraph 2 b (new)

Text proposed by the Commission

Amendment

The Commission shall make the information received, with the exception of confidential parts identified according to Article 8, along with their note regarding the incompatibility with Union law, if any, accessible to all Member States in order to ensure that the objectives of the Energy Union are achieved.

Or. en

Amendment 121
Marian-Jean Marinescu

Proposal for a decision
Article 3 – paragraph 2 – subparagraph 2 c (new)

Text proposed by the Commission

Amendment

Within two weeks after each Member State notification to the Commission, the Commission shall communicate to the Member States concerned its comments regarding the compatibility of the agreement notified with Union law and the Energy Union provisions.

Or. en

Amendment 122
David Borrelli, Dario Tamburrano

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

Text proposed by the Commission

Amendment

Upon ratification of an intergovernmental agreement or of an amendment to an intergovernmental agreement, the Member State concerned shall notify the intergovernmental agreement or the amendment, including any annexes thereto,

Upon ratification of an intergovernmental agreement or of an amendment to an intergovernmental agreement, the Member State concerned shall notify the *legal contents of* intergovernmental agreement or the amendment, including any *relevant*

to the Commission.

annexes thereto, to the Commission.

Or. en

Amendment 123

Jean-Luc Schaffhauser, Lorenzo Fontana

Proposal for a decision

Article 3 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Upon ratification of an intergovernmental agreement or of an amendment to an intergovernmental agreement, the Member State concerned shall **notify** the intergovernmental agreement or the amendment, including any annexes thereto, to the Commission.

Amendment

Upon ratification of an intergovernmental agreement or of an amendment to an intergovernmental agreement, the Member State concerned shall **transmit** the intergovernmental agreement or the amendment, including any annexes thereto, to the Commission.

Or. fr

Amendment 124

Vladimir Urutchev

Proposal for a decision

Article 3 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Where the ratified intergovernmental agreement or amendment to the intergovernmental agreement refers explicitly to other texts, the Member State concerned shall also submit those other texts in so far as they contain **elements which may have an impact on the functioning** of the **internal energy market or on the security of energy supply in the Union**.

Amendment

Where the ratified intergovernmental agreement or amendment to the intergovernmental agreement refers explicitly to other texts, the Member State concerned shall also submit those other texts in so far as they contain **any** of the **elements listed in point 1 of Article 2(1)**.

Or. en

Amendment 125
Jean-Luc Schaffhauser, Lorenzo Fontana

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

Text proposed by the Commission

Where the ratified intergovernmental agreement or amendment to the intergovernmental agreement refers explicitly to other texts, the Member State concerned **shall also** submit those other texts in so far as they contain elements which may have an impact on the functioning of the **internal** energy market or on the security of energy supply in the Union.

Amendment

Where the ratified intergovernmental agreement or amendment to the intergovernmental agreement refers explicitly to other texts, the Member State concerned **may** submit those other texts in so far as they contain elements which may have an impact on the functioning of the **inter-state** energy market or on the security of energy supply in the Union.

Or. fr

Amendment 126
David Borrelli, Dario Tamburrano

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

Text proposed by the Commission

Where the ratified intergovernmental agreement or amendment to the intergovernmental agreement refers explicitly to other texts, the Member State concerned shall also submit those other texts in so far as they contain elements which may have **an** impact on the functioning of the internal energy market or on the security of energy supply in the Union.

Amendment

Where the ratified intergovernmental agreement or amendment to the intergovernmental agreement refers explicitly to other texts, the Member State concerned shall also submit those other texts in so far as they contain elements which may have **a legal** impact on the functioning of the internal energy market or on the security of energy supply in the Union.

Or. en

Amendment 127
Krišjānis Kariņš

Proposal for a decision
Article 3 – paragraph 4

Text proposed by the Commission

4. The obligation to notify to the Commission according to paragraphs 2 and 3 does not apply in respect of agreements between undertakings.

Amendment

4. The obligation to notify to the Commission according to paragraphs 2 and 3 does not apply in respect of agreements between undertakings, ***unless such agreements are specifically referred to in intergovernmental agreements.***

Or. en

Amendment 128
Algirdas Saudargas, Krišjānis Kariņš

Proposal for a decision
Article 3 – paragraph 4

Text proposed by the Commission

4. The obligation to notify to the Commission according to paragraphs 2 and 3 does not apply in respect of agreements between undertakings.

Amendment

4. The obligation to notify to the Commission according to paragraphs 2 and 3 does not apply ***only*** in respect of agreements between undertakings.

Or. en

Amendment 129
Indrek Tarand
on behalf of the Verts/ALE Group

Proposal for a decision
Article 3 – paragraph 4

Text proposed by the Commission

4. The obligation to notify to the Commission according to paragraphs 2 and 3 does not apply in respect of agreements between undertakings.

Amendment

4. The obligation to notify to the Commission according to paragraphs 2 and 3 does not apply ***only*** in respect of agreements between undertakings.

Justification

"Solely" provides a certainty that only commercial contracts would be excluded from the application of this Decision.

Amendment 130

Jean-Luc Schaffhauser, Lorenzo Fontana

Proposal for a decision**Article 3 – paragraph 4***Text proposed by the Commission*

4. The *obligation to notify* to the Commission according to paragraphs 2 and 3 does not apply in respect of agreements between undertakings.

Amendment

4. The *option of transmission* to the Commission according to paragraphs 2 and 3 does not apply in respect of agreements between undertakings.

Or. fr

Amendment 131

David Borrelli, Dario Tamburrano

Proposal for a decision**Article 3 – paragraph 5***Text proposed by the Commission*

5. All notifications pursuant to paragraphs 1 to 3 of this Article, Article 6(1) and (2) and Article 7(1) and (2) shall be made through a web-based application provided by the Commission. The periods referred to in Article 5(1) and (2) and Article 6(3) shall start to run on the date when the complete notification file has been registered in the application.

Amendment

5. All notifications pursuant to paragraphs 1 to 3 of this Article, Article 6(1) and (2) and Article 7(1) and (2) shall be made through a web-based application provided by the Commission, ***unless the Member State concerned prefers to use secure diplomatic channels***. The periods referred to in Article 5(1) and (2) and Article 6(3) shall start to run on the date when the complete notification file has been registered in the application ***or, as an alternative, in the registry of the Commission***.

Or. en

Amendment 132

Jean-Luc Schaffhauser, Lorenzo Fontana

Proposal for a decision

Article 3 – paragraph 5

Text proposed by the Commission

5. All **notifications** pursuant to paragraphs 1 to 3 of this Article, Article 6(1) and (2) and Article 7(1) and (2) shall be made through a web-based application provided by the Commission. The periods referred to in Article 5(1) and (2) and Article 6(3) shall start to run on the date when the complete notification file has been registered in the application.

Amendment

5. All **transmissions** pursuant to paragraphs 1 to 3 of this Article, Article 6(1) and (2) and Article 7(1) and (2) shall be made through a web-based application provided by the Commission. The periods referred to in Article 5(1) and (2) and Article 6(3) shall start to run on the date when the complete notification file has been registered in the application.

Or. fr

Amendment 133

Neoklis Sylikiotis

Proposal for a decision

Article 3 – paragraph 5

Text proposed by the Commission

5. All notifications pursuant to paragraphs 1 to 3 of this Article, **Article 6(1) and (2)** and Article 7(1) and (2) shall be made through a web-based application provided by the Commission. The periods referred to in Article 5(1) and (2) and Article 6(3) shall start to run on the date when the complete notification file has been registered in the application.

Amendment

5. All notifications pursuant to paragraphs 1 to 3 of this Article and Article **6(1) and (2)** shall be made through a web-based application provided by the Commission. The periods referred to in Article 5(1) and (2) and Article 6(3) shall start to run on the date when the complete notification file has been registered in the application.

Or. en

Amendment 134

Marian-Jean Marinescu

Proposal for a decision
Article 4 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Where a Member State gives the Commission notice of negotiations pursuant to Article 3(1), the Commission services ***shall communicate to the Member States concerned its decision regarding their compatibility with Union law and the Energy Union provisions and*** may provide it with advice on how to avoid the incompatibility of the intergovernmental agreement or of the amendment to an existing intergovernmental agreement under negotiation with Union law. That Member State may also request the assistance of the Commission in those negotiations.

Or. en

Amendment 135

Angelika Mlinar, Lieve Wierinck, Morten Helveg Petersen

Proposal for a decision
Article 4 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Where a Member State gives the Commission notice of negotiations pursuant to Article 3(1), the Commission services ***shall*** provide it with advice on how to ***ensure compliance*** of the intergovernmental agreement or of the amendment to an existing intergovernmental agreement under negotiation with Union law.

Or. en

Amendment 136

Indrek Tarand

on behalf of the Verts/ALE Group

Proposal for a decision

Article 4 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 137

Algirdas Saudargas, Krišjānis Kariņš

Proposal for a decision

Article 4 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 138

David Borrelli, Dario Tamburrano

Proposal for a decision

Article 4 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 139

Ivan Jakovčić

Proposal for a decision

Article 4 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 140

Jean-Luc Schaffhauser, Lorenzo Fontana

Proposal for a decision

Article 4 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Where a Member State gives the Commission notice of negotiations pursuant to Article 3(1), the Commission services may provide it with advice on how to ***ensure the security of its energy supply and that of the Union in order to obtain the most advantageous agreement for itself and for the Union.*** That Member State may also request the assistance of the Commission in those negotiations.

Or. fr

Amendment 141

Indrek Tarand

on behalf of the Verts/ALE Group

Proposal for a decision

Article 4 – paragraph 2

Text proposed by the Commission

2. ***At the request of the Member State concerned, or at the request of the Commission and with the written approval of the Member State concerned, the Commission may participate in the negotiations as an observer.***

Amendment

2. ***The Commission shall participate as an observer in the negotiations on intergovernmental agreements on energy supplies that are expected to cover at least 20% of the relevant Member State's demand for that energy source. The Commission representatives shall be present at the initial meeting of negotiating parties where the initial positions of the parties shall be announced as well as at the meeting where an agreement is expected to be***

reached by the parties on all the main elements of a draft intergovernmental agreement to be submitted for the Commission's ex-ante assessment. The Commission representatives shall be present in other meetings between the negotiating parties depending on necessity and availability.

The Commission may also participate as an observer in negotiations on other intergovernmental agreements that do not meet the requirements set out in the above at the request of the Member State concerned, or at the request of the Commission and with the written approval of the Member State concerned.

Or. en

Justification

This clause would ensure that the Commission is present in all negotiations that will have a significant impact on the internal energy market and energy security of the Union and its individual Member States. Given the importance of these agreements, the Commission's participation should be mandatory, at least in the initial and concluding meetings of negotiating parties.

Amendment 142

Angelika Mlinar, Lieve Wierinck, Morten Helveg Petersen

Proposal for a decision

Article 4 – paragraph 2

Text proposed by the Commission

2. At the request of the Member State concerned, or at the request of the Commission and with the written approval of the Member State concerned, the Commission may participate in the negotiations as an observer.

Amendment

2. If deemed necessary by the Commission in view of the functioning of the internal energy market or the security of energy supply in the Union, it shall participate in the negotiations as an observer. A Member State concerned may also voluntarily request the assistance of the Commission in the negotiations.

Or. en

Amendment 143
Jean-Luc Schaffhauser, Lorenzo Fontana

Proposal for a decision
Article 4 – paragraph 2

Text proposed by the Commission

2. At the request of the Member State concerned, ***or at the request of the Commission and with the written approval of the Member State concerned***, the Commission may participate in the negotiations as an observer.

Amendment

2. At the request of the Member State concerned, the Commission may participate in the negotiations as an observer.

Or. fr

Amendment 144
Zigmantas Balčytis

Proposal for a decision
Article 4 – paragraph 2

Text proposed by the Commission

2. ***At the request of the Member State concerned, or at the request of the Commission and with the written approval of the Member State concerned, the Commission may participate in the negotiations as an observer.***

Amendment

2. ***The Commission may participate in the negotiations as an observer at the request of the Member State or on its own initiative.***

Or. It

Amendment 145
Algirdas Saudargas

Proposal for a decision
Article 4 – paragraph 2

Text proposed by the Commission

2. At the request of the Member State

Amendment

2. At the request of the Member State

concerned, or *at the request of the Commission and with the written approval of the Member State concerned*, the Commission may participate in the negotiations as an observer.

concerned, or *where Commission considers it to be necessary*, the Commission may participate in the negotiations as an observer.

Or. en

Amendment 146
David Borrelli, Dario Tamburrano

Proposal for a decision
Article 4 – paragraph 2

Text proposed by the Commission

2. At the request of the Member State concerned, or at the request of the Commission and with the written approval of the Member State concerned, the Commission may participate in the negotiations as an observer.

Amendment

2. At the request of the Member State concerned, or at the request of the Commission and with the written approval of the Member State concerned, the Commission may participate in the negotiations *or in parts thereof* as an observer.

Or. en

Amendment 147
Indrek Tarand
on behalf of the Verts/ALE Group

Proposal for a decision
Article 4 – paragraph 3

Text proposed by the Commission

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

Amendment

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

information received during the negotiations with due confidentiality.

Or. en

Justification

This provision is extremely important to reassure Member States potentially concerned about the presence of a Commission representative in meetings where sensitive commercial information is being shared.

Amendment 148

Algirdas Saudargas, Krišjānis Kariņš

Proposal for a decision

Article 4 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 149

Angelika Mlinar, Lieve Wierinck, Morten Helveg Petersen

Proposal for a decision

Article 4 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Amendment 150
Jean-Luc Schaffhauser, Lorenzo Fontana

Proposal for a decision
Article 4 – paragraph 3

Text proposed by the Commission

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

Amendment

3. Where the Commission participates in the negotiations as an observer, it may provide the Member State concerned with advice *and provide it with the support and solidarity* of the *Union in order to obtain an agreement that ensures the best possible security of supply*.

Or. fr

Amendment 151
Zigmantas Balčytis

Proposal for a decision
Article 4 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. It

Amendment 152
Indrek Tarand
on behalf of the Verts/ALE Group

Proposal for a decision

Article 5 – paragraph 1

Text proposed by the Commission

1. The Commission shall, within six weeks of the date of notification of the complete draft intergovernmental agreement or amendment, including annexes thereto, pursuant to Article 3(2), inform the Member State concerned of any doubts it may have as to the compatibility of the draft intergovernmental agreement or amendment with Union law, in particular with internal energy market legislation and Union competition law. In the absence of a response from the Commission within that period, the Commission shall be deemed not to have any such doubts.

Amendment

1. The Commission shall, within six weeks of the date of notification of the complete draft intergovernmental agreement or amendment, including annexes thereto, pursuant to Article 3(2), inform the Member State concerned of any doubts it may have as to the compatibility of the draft intergovernmental agreement or amendment with Union law, in particular with internal energy market legislation and Union competition law **and the objectives of the Energy Union Strategy**. In the absence of a response from the Commission within that period, the Commission shall be deemed not to have any such doubts.

Or. en

Amendment 153

Jean-Luc Schaffhauser, Lorenzo Fontana

Proposal for a decision

Article 5 – paragraph 1

Text proposed by the Commission

1. The Commission shall, within six weeks of the date of **notification** of the complete draft intergovernmental agreement or amendment, including annexes thereto, pursuant to Article 3(2), inform the Member State concerned of any doubts it may have as to the compatibility of the draft intergovernmental agreement or amendment with **Union law, in particular with internal energy market legislation and Union competition law**. In the absence of a response from the Commission within that period, the Commission shall be deemed not to have any such doubts.

Amendment

1. The Commission shall, within six weeks of the date of **transmission** of the complete draft intergovernmental agreement or amendment, including annexes thereto, pursuant to Article 3(2), inform the Member State concerned of any doubts it may have as to the compatibility of the draft intergovernmental agreement or amendment with **the Union's security of supply needs**. In the absence of a response from the Commission within that period, the Commission shall be deemed not to have any such doubts.

Amendment 154

Algirdas Saudargas, Krišjānis Kariņš

Proposal for a decision

Article 5 – paragraph 1

Text proposed by the Commission

1. The Commission shall, within six weeks of the date of notification of the complete draft intergovernmental agreement or amendment, including annexes thereto, pursuant to Article 3(2), inform the Member State concerned of any doubts it may have as to the compatibility of the draft intergovernmental agreement or amendment with Union law, *in particular with internal energy market legislation and Union competition law*. In the absence of a response from the Commission within that period, the Commission shall be deemed not to have any such doubts.

Amendment

1. The Commission shall, within six weeks of the date of notification of the complete draft intergovernmental agreement or amendment, including annexes thereto, pursuant to Article 3(2), inform the Member State concerned of any doubts it may have as to the compatibility of the draft intergovernmental agreement or amendment with Union law *and Energy Union objectives such as increasing energy security and diversification*. In the absence of a response from the Commission within that period, the Commission shall be deemed not to have any such doubts.

Amendment 155

Neoklis Sylikiotis

Proposal for a decision

Article 5 – paragraph 1

Text proposed by the Commission

1. The Commission shall, within *six* weeks of the date of notification of the complete draft intergovernmental agreement or amendment, including annexes thereto, pursuant to Article 3(2), inform the Member State concerned of any doubts it may have as to the compatibility of the draft intergovernmental agreement or amendment with Union law, in

Amendment

1. The Commission shall, within *two* weeks of the date of notification of the complete draft intergovernmental agreement or amendment, including annexes thereto, pursuant to Article 3(2), inform the Member State concerned of any doubts it may have as to the compatibility of the draft intergovernmental agreement or amendment with Union law, in

particular with internal energy market legislation and Union competition law. In the absence of a response from the Commission within that period, the Commission shall be deemed not to have any such doubts.

particular with internal energy market legislation and Union competition law. In the absence of a response from the Commission within that period, the Commission shall be deemed not to have any such doubts.

Or. en

Amendment 156
Jean-Luc Schaffhauser, Lorenzo Fontana

Proposal for a decision
Article 5 – paragraph 2

Text proposed by the Commission

2. Where the Commission informs the Member State concerned pursuant to paragraph 1 that it has doubts, it shall ***inform the Member State concerned of its opinion on the compatibility with Union law, in particular with internal energy market legislation and Union competition law, of the draft intergovernmental agreement or amendment concerned*** within 12 weeks of the date of ***notification*** referred to in paragraph 1. In the absence of an opinion from the Commission within that period, the Commission shall be deemed not to have raised any objections.

Amendment

2. Where the Commission informs the Member State concerned pursuant to paragraph 1 that it has doubts, it shall ***provide it with*** its opinion within 12 weeks of the date of ***transmission*** referred to in paragraph 1. In the absence of an opinion from the Commission within that period, the Commission shall be deemed not to have raised any objections.

Or. fr

Amendment 157
Algirdas Saudargas, Krišjānis Kariņš

Proposal for a decision
Article 5 – paragraph 2

Text proposed by the Commission

2. Where the Commission informs the Member State concerned pursuant to

Amendment

2. Where the Commission informs the Member State concerned pursuant to

paragraph 1 that it has doubts, it shall ***inform the Member State concerned of its opinion on*** the compatibility with Union law, ***in particular with internal energy market legislation and Union competition law***, of the draft intergovernmental agreement or amendment concerned within 12 weeks of the date of notification referred to in paragraph 1. In the absence of an opinion from the Commission within that period, the Commission shall be deemed not to have raised any objections.

paragraph 1 that it has doubts, it shall ***issue an opinion with the recommendations on how to ensure*** the compatibility with Union law ***and Energy Union objectives such as increasing energy security and diversification*** of the draft intergovernmental agreement or amendment concerned within 12 weeks of the date of notification referred to in paragraph 1. In the absence of an opinion from the Commission within that period, the Commission shall be deemed not to have raised any objections.

Or. en

Amendment 158
Neoklis Sylikiotis

Proposal for a decision
Article 5 – paragraph 2

Text proposed by the Commission

2. Where the Commission informs the Member State concerned pursuant to paragraph 1 that it has doubts, it shall inform the Member State concerned of its opinion on the compatibility with Union law, in particular with internal energy market legislation and Union competition law, of the draft intergovernmental agreement or amendment concerned within **12** weeks of the date of notification referred to in paragraph 1. In the absence of an opinion from the Commission within that period, the Commission shall be deemed not to have raised any objections.

Amendment

2. Where the Commission informs the Member State concerned pursuant to paragraph 1 that it has doubts, it shall inform the Member State concerned of its opinion on the compatibility with Union law, in particular with internal energy market legislation and Union competition law, of the draft intergovernmental agreement or amendment concerned within **four** weeks of the date of notification referred to in paragraph 1. In the absence of an opinion from the Commission within that period, the Commission shall be deemed not to have raised any objections.

Or. en

Amendment 159
Marian-Jean Marinescu

Proposal for a decision
Article 5 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *Member States shall make all efforts to comply with the Commission's comments as soon as possible and in any event no later than during the course of first amending process or renegotiation.*

Or. en

Amendment 160
Neoklis Sylikiotis

Proposal for a decision
Article 5 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Amendment

The Member State shall not sign, ratify or agree to the draft intergovernmental agreement or amendment to an existing intergovernmental agreement until the Commission has informed the Member State of any doubts, in accordance with paragraph 1, or, where applicable, has issued its opinion in accordance with paragraph 2, or, in the absence of a response or opinion from the Commission, until the periods referred to in paragraphs 1 or, where applicable, 2, have elapsed.

deleted

Or. en

Amendment 161
Jean-Luc Schaffhauser, Lorenzo Fontana

Proposal for a decision
Article 5 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Amendment

The Member State **shall not** sign, ratify or agree to the draft intergovernmental agreement or amendment to an existing intergovernmental agreement **until** the Commission has informed the Member State of any doubts, in accordance with paragraph 1, or, where applicable, has issued its opinion in accordance with paragraph 2, or, in the absence of a response or opinion from the Commission, until the periods referred to in paragraphs 1 or, where applicable, 2, have elapsed.

The Member State **may** sign, ratify or agree to the draft intergovernmental agreement or amendment to an existing intergovernmental agreement **before** until the Commission has informed the Member State of any doubts, in accordance with paragraph 1, or, where applicable, has issued its opinion in accordance with paragraph 2, or, in the absence of a response or opinion from the Commission, until the periods referred to in paragraphs 1 or, where applicable, 2, have elapsed, **for the Member State remains sovereign in all circumstances.**

Or. fr

Amendment 162

Jean-Luc Schaffhauser, Lorenzo Fontana

Proposal for a decision

Article 5 – paragraph 4 – subparagraph 2

Text proposed by the Commission

When signing, ratifying or agreeing to an intergovernmental agreement or amendment, the Member State concerned **shall** take **utmost** account of the Commission's opinion referred to in paragraph 2.

Amendment

When signing, ratifying or agreeing to an intergovernmental agreement or amendment, the Member State concerned **make** take account of the Commission's opinion referred to in paragraph 2, **but shall have the right to depart from it in order to uphold its vital interests, its security of supply and the strategic needs of its foreign policy according to the principles of subsidiarity and proportionality.**

Or. fr

Amendment 163

Indrek Tarand

on behalf of the Verts/ALE Group

Proposal for a decision

Article 5 – paragraph 4 – subparagraph 2

Text proposed by the Commission

When signing, ratifying or agreeing to an intergovernmental agreement or amendment, the Member State concerned shall **take utmost account of** the Commission's opinion referred to in paragraph 2.

Amendment

Before signing, ratifying or agreeing to an intergovernmental agreement or amendment, the Member State concerned shall **demonstrate how objections expressed in** the Commission's opinion referred to in paragraph 2 **have been addressed in order to ensure full compliance with Union law and Energy Union objectives.**

Or. en

Amendment 164

Algirdas Saudargas, Krišjānis Kariņš

Proposal for a decision

Article 5 – paragraph 4 – subparagraph 2

Text proposed by the Commission

When signing, ratifying or agreeing to an intergovernmental agreement or amendment, the Member State concerned shall **take utmost account of** the Commission's opinion referred to in paragraph 2.

Amendment

When signing, ratifying or agreeing to an intergovernmental agreement or amendment, the Member State concerned shall **ensure that** the Commission's opinion referred to in paragraph 2 **is fully taken into account and if not dully justify the reasons.**

Or. en

Amendment 165

Marian-Jean Marinescu

Proposal for a decision

Article 5 – paragraph 4 – subparagraph 2

Text proposed by the Commission

When signing, ratifying or agreeing to an intergovernmental agreement or amendment, the Member State concerned

Amendment

Before signing, ratifying or agreeing to an intergovernmental agreement or amendment, the Member State concerned

shall take utmost account of the Commission's opinion referred to in paragraph 2.

shall take utmost account of the Commission's opinion referred to in paragraph 2 *and, if necessary, restart the negotiations.*

Or. en

Amendment 166
Zigmantas Balčytis

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

Text proposed by the Commission

When signing, ratifying or agreeing to an intergovernmental agreement or amendment, the Member State concerned shall take *utmost* account of the Commission's opinion referred to in paragraph 2.

Amendment

Before signing, ratifying or agreeing to an intergovernmental agreement or amendment, the Member State concerned shall *fully* take account of the Commission's opinion referred to in paragraph 2.

Or. It

Amendment 167
Vladimir Urutchev

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

Text proposed by the Commission

When signing, ratifying or *agreeing to* an intergovernmental agreement or amendment, the Member State concerned shall take utmost account of the Commission's opinion referred to in paragraph 2.

Amendment

Before agreeing, ratifying or *signing* an intergovernmental agreement or amendment, the Member State concerned shall take utmost account of the Commission's opinion referred to in paragraph 2.

Or. en

Amendment 168

Ivan Jakovčić

Proposal for a decision

Article 6 – paragraph 1 – subparagraph 1

Text proposed by the Commission

By [3 months following the entry into force of this Decision] at the latest Member States shall notify to the Commission all existing intergovernmental agreements, including annexes and amendments thereto.

Amendment

By [3 months following the entry into force of this Decision] at the latest Member States shall notify to the Commission all existing intergovernmental agreements, including annexes and amendments thereto. ***Where there are indications that it may be necessary to enter into negotiations with a third country in the future, Member States shall inform the Commission thereof.***

Or. hr

Amendment 169

Jean-Luc Schaffhauser, Lorenzo Fontana

Proposal for a decision

Article 6 – paragraph 1 – subparagraph 1

Text proposed by the Commission

By [3 months following the entry into force of this Decision] at the latest Member States ***shall notify*** to the Commission ***all*** existing intergovernmental agreements, including annexes and amendments thereto.

Amendment

By [3 months following the entry into force of this Decision] at the latest Member States ***may transmit*** to the Commission existing intergovernmental agreements, including annexes and amendments thereto ***that they deem necessary for ensuring their security of supply.***

Or. fr

Amendment 170

David Borrelli, Dario Tamburrano

Proposal for a decision

Article 6 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

By [3 months following the entry into force of this Decision] at the latest Member States shall notify to the Commission all existing intergovernmental agreements, including annexes and amendments thereto.

By [3 months following the entry into force of this Decision] at the latest Member States shall notify to the Commission *the legal contents of* all existing intergovernmental agreements, including annexes and amendments *with regard* thereto.

Or. en

Amendment 171
Vladimir Urutchev

Proposal for a decision
Article 6 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Where the existing intergovernmental agreement refers explicitly to other texts, the Member State concerned shall also submit those other texts in so far as they contain *elements which may have an impact on the functioning of the internal energy market or on the security of energy supply in the Union.*

Amendment

Where the existing intergovernmental agreement refers explicitly to other texts, the Member State concerned shall also submit those other texts in so far as they contain *any* of the *elements enlisted in point 1 of Article 2(1).*

Or. en

Amendment 172
Jean-Luc Schaffhauser, Lorenzo Fontana

Proposal for a decision
Article 6 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Where the existing intergovernmental agreement refers explicitly to other texts, the Member State concerned shall also submit those other texts in so far as they contain elements which may have an impact *on the functioning of the internal energy market or* on the security of energy

Amendment

Where the existing intergovernmental agreement refers explicitly to other texts, the Member State concerned shall also submit those other texts in so far as they contain elements which may have an impact *also* on the security of energy supply in the Union.

supply in the Union.

Or. fr

Amendment 173

David Borrelli, Dario Tamburrano

Proposal for a decision

Article 6 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Where the existing intergovernmental agreement refers explicitly to other texts, the Member State concerned shall also submit those other texts in so far as they contain elements which may have ***an*** impact on the functioning of the internal energy market or on the security of energy supply in the Union.

Amendment

Where the existing intergovernmental agreement refers explicitly to other texts, the Member State concerned shall also submit those other texts in so far as they contain elements which may have ***a legal*** impact on the functioning of the internal energy market or on the security of energy supply in the Union.

Or. en

Amendment 174

Krišjānis Kariņš

Proposal for a decision

Article 6 – paragraph 1 – subparagraph 3

Text proposed by the Commission

The obligation to notify to the Commission according to this paragraph does not apply in respect of agreements between undertakings.

Amendment

The obligation to notify to the Commission according to this paragraph does not apply in respect of agreements between undertakings, ***unless such agreements are specifically referred to in intergovernmental agreements.***

Or. en

Amendment 175

Algirdas Saudargas, Krišjānis Kariņš

Proposal for a decision
Article 6 – paragraph 1 – subparagraph 3

Text proposed by the Commission

The obligation to notify to the Commission according to this paragraph does not apply in respect of agreements between undertakings.

Amendment

The obligation to notify to the Commission according to this paragraph does not apply **only** in respect of agreements between undertakings.

Or. en

Amendment 176
Jean-Luc Schaffhauser, Lorenzo Fontana

Proposal for a decision
Article 6 – paragraph 1 – subparagraph 3

Text proposed by the Commission

The obligation to **notify** to the Commission according to this paragraph does not apply in respect of agreements between undertakings.

Amendment

The obligation to **transmit** to the Commission according to this paragraph does not apply in respect of agreements between undertakings.

Or. fr

Amendment 177
Jean-Luc Schaffhauser, Lorenzo Fontana

Proposal for a decision
Article 6 – paragraph 2

Text proposed by the Commission

2. Existing intergovernmental agreements which have already been notified to the Commission in accordance with Article 3(1) or (5) of Decision No 994/2012/EU, or point (a) of Article 13(6) of Regulation (EU) No 994/2010 at the date of entry into force of this Decision shall be considered as having been **notified** for the purposes of paragraph 1 of this

Amendment

2. Existing intergovernmental agreements which have already been notified to the Commission in accordance with Article 3(1) or (5) of Decision No 994/2012/EU, or point (a) of Article 13(6) of Regulation (EU) No 994/2010 at the date of entry into force of this Decision shall be considered as having been **transmitted** for the purposes of paragraph 1

Article, provided that the notification meets the requirements of that paragraph.

of this Article, provided that the notification meets the requirements of that paragraph.

Or. fr

Amendment 178

Indrek Tarand

on behalf of the Verts/ALE Group

Proposal for a decision

Article 6 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 179

Jean-Luc Schaffhauser, Lorenzo Fontana

Proposal for a decision

Article 6 – paragraph 3

Text proposed by the Commission

3. The Commission shall assess intergovernmental agreements ***notified*** in accordance with paragraph 1 or 2. Where, following its first assessment, the

Amendment

3. The Commission shall assess intergovernmental agreements ***transmitted*** in accordance with paragraph 1 or 2. Where, following its first assessment, the

Commission has doubts as to the compatibility of those agreements with *Union law, in particular with internal energy market legislation and Union competition law*, the Commission shall inform the Member States concerned accordingly within nine months of the *notification* of those agreements.

Commission has doubts as to the compatibility of those agreements with *the security of supply of the Member State and the Union*, the Commission shall inform the Member States concerned accordingly within nine months of the *transmission* of those agreements.

Or. fr

Amendment 180

Algirdas Saudargas, Krišjānis Kariņš

Proposal for a decision

Article 6 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 181

Jean-Luc Schaffhauser, Lorenzo Fontana

Proposal for a decision

Article 7

Text proposed by the Commission

Article 7

Amendment

deleted

***Notification obligations and assessment
by the Commission with respect to non-
binding instruments***

1.

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

***Where the non-binding instrument or the
amendment to the non-binding
instrument refers explicitly to other texts,
the Member State concerned shall also
submit those other texts in so far as they
contain elements which may have an
impact on the functioning of the internal
energy market or on the security of energy
supply in the Union.***

2.

***By [3 months following the entry into
force of this Decision] at the latest
Member States shall notify to the
Commission all existing non-binding
instruments, including annexes and
amendments thereto.***

***Where the existing non-binding
instrument refers explicitly to other texts,
the Member State concerned shall also
submit those other texts in so far as they
contain elements which may have an
impact on the functioning of the internal
energy market or on the security of energy
supply in the Union.***

***3. The obligation to notify to the
Commission according to paragraphs 1
and 2 does not apply in respect of
agreements between undertakings.***

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

legislation and Union competition law, the Commission may inform the Member State concerned accordingly.

Or. fr

Amendment 182
Vladimir Urutchev, Esther de Lange

Proposal for a decision
Article 7

Text proposed by the Commission

Amendment

Article 7

deleted

Notification obligations and assessment by the Commission with respect to non-binding instruments

1.

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

Where the non-binding instrument or the amendment to the non-binding instrument refers explicitly to other texts, the Member State concerned shall also submit those other texts in so far as they contain elements which may have an impact on the functioning of the internal energy market or on the security of energy supply in the Union.

2.

By [3 months following the entry into force of this Decision] at the latest Member States shall notify to the Commission all existing non-binding instruments, including annexes and amendments thereto.

Where the existing non-binding instrument refers explicitly to other texts,

the Member State concerned shall also submit those other texts in so far as they contain elements which may have an impact on the functioning of the internal energy market or on the security of energy supply in the Union.

3. The obligation to notify to the Commission according to paragraphs 1 and 2 does not apply in respect of agreements between undertakings.

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

Or. en

Amendment 183
Neoklis Sylikiotis

Proposal for a decision
Article 7

Text proposed by the Commission

Amendment

Article 7

deleted

Notification obligations and assessment by the Commission with respect to non-binding instruments

1.

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

Where the non-binding instrument or the amendment to the non-binding

instrument refers explicitly to other texts, the Member State concerned shall also submit those other texts in so far as they contain elements which may have an impact on the functioning of the internal energy market or on the security of energy supply in the Union.

2.

By [3 months following the entry into force of this Decision] at the latest Member States shall notify to the Commission all existing non-binding instruments, including annexes and amendments thereto.

Where the existing non-binding instrument refers explicitly to other texts, the Member State concerned shall also submit those other texts in so far as they contain elements which may have an impact on the functioning of the internal energy market or on the security of energy supply in the Union.

3. The obligation to notify to the Commission according to paragraphs 1 and 2 does not apply in respect of agreements between undertakings.

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

Or. en

Amendment 184
Vladimir Urutchev, Esther de Lange

Proposal for a decision
Article 7 – paragraph 1

Text proposed by the Commission

Amendment

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

Where the non-binding instrument or the amendment to the non-binding instrument refers explicitly to other texts, the Member State concerned shall also submit those other texts in so far as they contain elements which may have an impact on the functioning of the internal energy market or on the security of energy supply in the Union.

Or. en

Amendment 185

Vladimir Urutchev, Esther de Lange

Proposal for a decision

Article 7 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

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

Or. en

Amendment 186

David Borrelli, Dario Tamburrano

Proposal for a decision

Article 7 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 187
Zigmantas Balčytis

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

Text proposed by the Commission

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

Amendment

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

Or. It

Amendment 188
Indrek Tarand
on behalf of the Verts/ALE Group

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 189

Angelika Mlinar, Lieve Wierinck, Morten Helveg Petersen

Proposal for a decision

Article 7 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 190

David Borrelli, Dario Tamburrano

Proposal for a decision

Article 7 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Where the non-binding instrument or the amendment to the non-binding instrument refers explicitly to other texts, the Member State concerned shall also submit those other texts in so far as they contain elements which may have **an** impact on the functioning of the internal energy market or on the security of energy supply in the Union.

Amendment

Where the non-binding instrument or the amendment to the non-binding instrument refers explicitly to other texts, the Member State concerned shall also submit those other texts in so far as they contain elements which may have **a legal** impact on the functioning of the internal energy market or on the security of energy supply in the Union.

Or. en

Amendment 191

Vladimir Urutchev, Esther de Lange

Proposal for a decision

Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

By [3 months following the entry into force of this Decision] at the latest Member States shall notify to the Commission all existing non-binding instruments, including annexes and amendments thereto.

deleted

Or. en

Amendment 192

David Borrelli, Dario Tamburrano

Proposal for a decision

Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

By [3 months following the entry into force of this Decision] **at the latest** Member States shall notify to the Commission all existing non-binding instruments, including annexes and amendments thereto.

By [3 months following the entry into force of this Decision], Member States shall notify to the Commission **the legal contents of** all existing non-binding instruments, including annexes and amendments **with regard** thereto.

Or. en

Amendment 193

Vladimir Urutchev, Esther de Lange

Proposal for a decision

Article 7 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

Where the existing non-binding instrument refers explicitly to other texts, the Member State concerned shall also submit those other texts in so far as they contain elements which may have an impact on the functioning of the internal energy market or on the security of energy supply in the Union.

deleted

Amendment 194
David Borrelli, Dario Tamburrano

Proposal for a decision
Article 7 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Where the existing non-binding instrument refers explicitly to other texts, the Member State concerned shall also submit those other texts in so far as they contain elements which may have *an* impact on the functioning of the internal energy market or on the security of energy supply in the Union.

Amendment

Where the existing non-binding instrument refers explicitly to other texts, the Member State concerned shall also submit those other texts in so far as they contain elements which may have *a legal* impact on the functioning of the internal energy market or on the security of energy supply in the Union.

Or. en

Amendment 195
Krišjānis Kariņš

Proposal for a decision
Article 7 – paragraph 3

Text proposed by the Commission

3. The obligation to notify to the Commission according to paragraphs 1 and 2 does not apply in respect of agreements between undertakings.

Amendment

3. The obligation to notify to the Commission according to paragraphs 1 and 2 does not apply in respect of agreements between undertakings, *unless such agreements are specifically referred to in intergovernmental agreements.*

Or. en

Amendment 196
Algirdas Saudargas, Krišjānis Kariņš

Proposal for a decision
Article 7 – paragraph 3

Text proposed by the Commission

3. The obligation to notify to the Commission according to paragraphs 1 and 2 does not apply in respect of agreements between undertakings.

Amendment

3. The obligation to notify to the Commission according to paragraphs 1 and 2 does not apply **only** in respect of agreements between undertakings.

Or. en

Amendment 197

Vladimir Urutchev, Esther de Lange

Proposal for a decision

Article 7 – paragraph 4

Text proposed by the Commission

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

Amendment

deleted

Or. en

Amendment 198

Indrek Tarand

on behalf of the Verts/ALE Group

Proposal for a decision

Article 7 – paragraph 4

Text proposed by the Commission

4. Where, following its first assessment, the Commission considers that the measures implementing the non-binding instrument notified to it under paragraphs 1 and 2 could conflict with

Amendment

4. The Commission may inform the Member State concerned about its doubts that the measures implementing the non-binding instrument notified to it under paragraphs 1 and 2 could conflict with

Union law, in particular with internal energy market legislation and Union competition law, the Commission *may inform* the Member State concerned *accordingly*.

Union law, in particular with internal energy market legislation and Union competition law, *as well as with the objectives of the Energy Union Strategy. Member States shall refrain from signing or announcing a non-binding agreement until the Commission has informed the Member State on the existence or absence of such doubts. In the absence of a response from the Commission within the period of six weeks of notification, the Commission shall be deemed not to have any such doubts. The Commission's opinion on non-binding agreements shall be non-binding, but Member States concerned shall be encouraged to voluntarily address the problematic provisions of such agreements.*

Or. en

Amendment 199

Angelika Mlinar, Lieve Wierinck, Morten Helveg Petersen

Proposal for a decision

Article 7 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 200

Algirdas Saudargas, Krišjānis Kariņš

Proposal for a decision
Article 7 – paragraph 4

Text proposed by the Commission

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

Amendment

4. Where, following its first assessment, the Commission considers that the measures implementing the non-binding instrument notified to it under paragraphs 1 and 2 could conflict with Union law ***and Energy Union objectives such as increasing energy security and diversification***, the Commission may inform the Member State concerned accordingly.

Or. en

Amendment 201

Angelika Mlinar, Lieve Wierinck, Morten Helveg Petersen

Proposal for a decision
Article 7 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. When signing, ratifying or agreeing to a non-binding instrument, or an amendment to a non-binding instrument, the Member State concerned shall take utmost account of the Commission's opinion.

Or. en

Amendment 202

David Borrelli, Dario Tamburrano

Proposal for a decision
Article 7 a (new)

Text proposed by the Commission

Amendment

Article 7a

Repository of model IGA clauses

By ... [6 months after the date of entry into force of this Decision], the Commission shall establish and maintain a repository of anonymised standard model clauses and guidelines to be considered by Member States when drafting intergovernmental agreements in the field of energy or amendments thereto. The repository shall include examples of clauses or parts to that should be avoided. The model clauses, guidelines and examples shall be accompanied by a sufficiently detailed legal explanation of the functional reasons justifying their inclusion in the repository.

The Member States shall have easy and ongoing access to the repository.

The model clauses, guidelines and examples shall be initially drafted in at least three of the official languages of the Union. At request from a Member State, the Commission shall provide authorised translations in any other official language.

Or. en

Amendment 203

David Borrelli, Dario Tamburrano

Proposal for a decision

Article 8 – paragraph 1 – subparagraph 1

Text proposed by the Commission

When providing information to the Commission in accordance with Article 3(1) to (3), Article 6(1) and Article 7(1) and (2), a Member State may indicate whether any part of the information, ***be it commercial or other information*** the disclosure of which could harm the

Amendment

When providing information to the Commission in accordance with Article 3(1) to (3), Article 6(1) and Article 7(1) and (2), a Member State may indicate whether any part of the information ***submitted***, the disclosure of which could harm the activities of the parties involved,

activities of the parties involved, is to be regarded as confidential and whether the information provided can be shared with other Member States.

is to be regarded as confidential and whether the information provided can be shared with other Member States
information on the main legal and planning elements, with particular attention to any legal clauses which depart from the standard models established by the Commission pursuant to Article 7a.

Or. en

Amendment 204
Neoklis Sylikiotis

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 205
Vladimir Urutchev

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

Text proposed by the Commission

When providing information to the Commission in accordance with Article

Amendment

When providing information to the Commission in accordance with Article

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

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

Or. en

Amendment 206
Marian-Jean Marinescu

Proposal for a decision
Article 8 – paragraph 2

Text proposed by the Commission

2. Where a Member State has not identified the information as confidential in accordance with paragraph 1, the Commission shall make that information accessible in secure electronic form to all other Member States.

Amendment

2. Where a Member State has not identified the information as confidential in accordance with paragraph 1, the Commission shall make that information accessible in secure electronic form to all other Member States ***along with the note regarding any incompatibility with Union law.***

Or. en

Amendment 207
Jean-Luc Schaffhauser, Lorenzo Fontana

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

Text proposed by the Commission

Where a Member State has identified as confidential in accordance with paragraph 1 an existing intergovernmental agreement, an amendment to an existing intergovernmental agreement, a new

Amendment

Where a Member State has identified as confidential in accordance with paragraph 1 an existing intergovernmental agreement, an amendment to an existing intergovernmental agreement ***or*** a new

intergovernmental agreement, *an existing non-binding instrument, an amendment to an existing non-binding instrument or a new non-binding instrument*, that Member State shall make available a summary of the information submitted.

intergovernmental agreement, that Member State shall make available a summary of the information submitted.

Or. fr

Amendment 208
Neoklis Sylikiotis

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 209
Vladimir Urutchev, Esther de Lange

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

Text proposed by the Commission

Where a Member State has identified as confidential in accordance with paragraph 1 an existing intergovernmental agreement, an amendment to an existing intergovernmental agreement, a new

Amendment

Where a Member State has identified as confidential in accordance with paragraph 1 an existing intergovernmental agreement, an amendment to an existing intergovernmental agreement, a new

intergovernmental agreement, *an existing non-binding instrument, an amendment to an existing non-binding instrument or a new non-binding instrument*, that Member State shall make available a summary of the information submitted.

intergovernmental agreement, that Member State shall make available a summary of the information submitted.

Or. en

Amendment 210

Vladimir Urutchev, Esther de Lange

Proposal for a decision

Article 8 – paragraph 3 – subparagraph 2 – introductory part

Text proposed by the Commission

Amendment

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

That summary shall contain at least the following information regarding the intergovernmental agreement, or amendment in question:

Or. en

Amendment 211

Jean-Luc Schaffhauser, Lorenzo Fontana

Proposal for a decision

Article 8 – paragraph 3 – subparagraph 2 – point d

Text proposed by the Commission

Amendment

(d) *the parties;*

deleted

Or. fr

Amendment 212

Jean-Luc Schaffhauser, Lorenzo Fontana

Proposal for a decision

Article 8 – paragraph 3 – subparagraph 2 – point e – paragraph 1

Text proposed by the Commission

Amendment

information on the main elements.

deleted

Or. fr

Amendment 213

David Borrelli, Dario Tamburrano

Proposal for a decision

Article 8 – paragraph 3 – subparagraph 2 – point e – paragraph 1

Text proposed by the Commission

Amendment

information on the main elements.

information on the main *legal* elements,
*with special attention to any legal clauses
which depart from the standard models
established by the Commission pursuant
to Article 7a.*

Or. en

Amendment 214

Marian-Jean Marinescu

Proposal for a decision

Article 8 – paragraph 4

Text proposed by the Commission

Amendment

4. The Commission shall make the summaries referred to in paragraph 3 accessible in electronic form to all other Member States.

4. The Commission shall make the summaries referred to in paragraph 3 accessible in electronic form to all other Member States *together with its comments regarding the compliance with the Energy Union provisions.*

Or. en

Amendment 215

Indrek Tarand

on behalf of the Verts/ALE Group

Proposal for a decision
Article 8 – paragraph 5

Text proposed by the Commission

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

Amendment

5. Requests for confidentiality under this Article shall not restrict the access of the Commission itself to confidential information. The Commission shall ensure that access to the confidential information is strictly limited to the Commission services for which it is absolutely necessary to have the information available. ***Commission representatives participating as observers in negotiations on intergovernmental agreements shall handle sensitive information received during those negotiations with due confidentiality.***

Or. en

Amendment 216
Jean-Luc Schaffhauser, Lorenzo Fontana

Proposal for a decision
Article 8 – paragraph 5

Text proposed by the Commission

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

Amendment

5. Requests for confidentiality under this Article ***may*** restrict the access of the Commission itself to confidential information.

Or. fr

Amendment 217

Jean-Luc Schaffhauser, Lorenzo Fontana

Proposal for a decision

Article 9 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) *reviewing developments in relation to intergovernmental agreements and non-binding instruments and striving for consistency and coherence in the Union’s external energy relations with producer, transit, and consumer countries;*

deleted

Or. fr

Amendment 218

Neoklis Sylikiotis, Paloma López Bermejo

Proposal for a decision

Article 9 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) reviewing developments in relation to intergovernmental agreements *and non-binding instruments and striving for consistency and coherence in the Union’s external energy relations with producer, transit, and consumer countries;*

(a) reviewing developments in relation to intergovernmental agreements;

Or. en

Amendment 219

Vladimir Urutchev, Esther de Lange

Proposal for a decision

Article 9 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) reviewing developments in relation to intergovernmental agreements and *non-binding instruments and striving for consistency and coherence in the Union’s*

(a) reviewing developments in relation to intergovernmental agreements and striving for consistency and coherence in the Union’s external energy relations with

external energy relations with producer, transit, and consumer countries;

producer, transit, and consumer countries;

Or. en

Amendment 220

Indrek Tarand

on behalf of the Verts/ALE Group

Proposal for a decision

Article 9 – paragraph 1 – point b

Text proposed by the Commission

(b) identifying common problems in relation to intergovernmental agreements and non-binding instruments and considering appropriate action to address those problems and, where appropriate, proposing solutions;

Amendment

(b) identifying common problems ***compiling a list of bad practices – a "blacklist"*** – in relation to intergovernmental agreements and non-binding instruments and considering appropriate action to address those problems and, where appropriate, proposing solutions;

Or. en

Amendment 221

David Borrelli, Dario Tamburrano

Proposal for a decision

Article 9 – paragraph 1 – point b

Text proposed by the Commission

(b) identifying common problems in relation to intergovernmental agreements and non-binding instruments and considering appropriate action to address those problems and, where appropriate, proposing solutions;

Amendment

(b) identifying common ***effective and potential*** problems in relation to intergovernmental agreements and non-binding instruments and considering appropriate action to address those problems and, where appropriate, proposing ***corrective or preventive*** solutions;

Or. en

Amendment 222

Jean-Luc Schaffhauser, Lorenzo Fontana

Proposal for a decision

Article 9 – paragraph 1 – point b

Text proposed by the Commission

(b) identifying common problems in relation to intergovernmental agreements **and non-binding instruments and** considering appropriate action to address those problems and, where appropriate, proposing solutions;

Amendment

(b) identifying common problems in relation to intergovernmental agreements, considering appropriate action to address those problems and, where appropriate, proposing solutions;

Or. fr

Amendment 223

Jean-Luc Schaffhauser, Lorenzo Fontana

Proposal for a decision

Article 9 – paragraph 1 – point c

Text proposed by the Commission

(c) on the basis of best practices and in consultation with Member States, developing **optional model clauses**, which, if applied, would significantly improve compliance of future intergovernmental agreements **and non-binding instruments with Union law**;

Amendment

(c) on the basis of best practices and in consultation with Member States, developing **advice and negotiating parameters**, which, if applied, would significantly improve compliance of future intergovernmental agreements **with the security of supply needs of Member States and of the Union**;

Or. fr

Amendment 224

David Borrelli, Dario Tamburrano

Proposal for a decision

Article 9 – paragraph 1 – point c

Text proposed by the Commission

(c) on the basis of best practices and in consultation with Member States, developing optional model clauses, which, if applied, would significantly improve compliance of future intergovernmental agreements and non-binding instruments with Union law;

Amendment

(c) on the basis of best practices and in consultation with Member States, developing optional model clauses ***to those established pursuant to Article 7 a***, which, if applied, would significantly improve compliance of future intergovernmental agreements and non-binding instruments with Union law;

Or. en

Amendment 225
Vladimir Urutchev

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

Text proposed by the Commission

(c) on the basis of best practices and in consultation with Member States, developing optional model clauses, which, if applied, would significantly improve compliance of future intergovernmental agreements ***and non-binding instruments*** with Union law;

Amendment

(c) on the basis of best practices and in consultation with Member States, developing optional model clauses, which, if applied, would significantly improve compliance of future intergovernmental agreements with Union law;

Or. en

Amendment 226
Jean-Luc Schaffhauser, Lorenzo Fontana

Proposal for a decision
Article 9 – paragraph 1 – point d

Text proposed by the Commission

(d) supporting, where appropriate, the development of multilateral intergovernmental agreements ***or non-binding instruments*** involving several Member States ***or the Union as a whole***.

Amendment

(d) supporting, where appropriate, the development of multilateral intergovernmental agreements involving several Member States.

Amendment 227
Vladimir Urutchev, Esther de Lange

Proposal for a decision
Article 9 – paragraph 1 – point d

Text proposed by the Commission

(d) supporting, where appropriate, the development of multilateral intergovernmental agreements *or non-binding instruments* involving several Member States or the Union as a whole.

Amendment

(d) supporting, where appropriate, the development of multilateral intergovernmental agreements involving several Member States or the Union as a whole.

Or. en

Amendment 228
Vladimir Urutchev

Proposal for a decision
Article 10 – paragraph 1

Text proposed by the Commission

1. By **1 January 2020 at the latest**, the Commission shall submit a report on the application of this Decision to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions.

Amendment

1. By ... [**two years after the date of entry into force of this Decision**], the Commission shall submit a report on the application of this Decision to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions.

Or. en

Amendment 229
Neoklis Sylikiotis

Proposal for a decision
Article 10 – paragraph 2

Text proposed by the Commission

2. The report shall, in particular, assess the extent to which this Decision promotes compliance of intergovernmental agreements ***and non-binding instruments with Union law and a high level of coordination between Member States with regard to intergovernmental agreements and non-binding instruments***. It shall also assess the impact that this Decision has on Member States' negotiations with third countries and whether the scope of this Decision and the procedures it lays down are appropriate.

Amendment

2. The report shall, in particular, assess the extent to which this Decision promotes compliance of intergovernmental agreements. It shall also assess the impact that this Decision has on Member States' negotiations with third countries and whether the scope of this Decision and the procedures it lays down are appropriate.

Or. en

Amendment 230

Vladimir Urutchev, Esther de Lange

Proposal for a decision

Article 10 – paragraph 2

Text proposed by the Commission

2. The report shall, in particular, assess the extent to which this Decision promotes compliance of intergovernmental agreements ***and non-binding instruments*** with Union law and a high level of coordination between Member States with regard to intergovernmental agreements ***and non-binding instruments***. It shall also assess the impact that this Decision has on Member States' negotiations with third countries and whether the scope of this Decision and the procedures it lays down are appropriate.

Amendment

2. The report shall, in particular, assess the extent to which this Decision promotes 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 the impact that this Decision has on Member States' negotiations with third countries and whether the scope of this Decision and the procedures it lays down are appropriate.

Or. en

Amendment 231

Jean-Luc Schaffhauser, Lorenzo Fontana

Proposal for a decision

Article 10 – paragraph 2

Text proposed by the Commission

2. The report shall, in particular, assess the extent to which this Decision promotes compliance of intergovernmental agreements ***and non-binding instruments with Union law*** and a high level of ***coordination*** between Member States with regard to ***intergovernmental agreements and non-binding instruments***. It shall also assess the impact that this Decision has on Member States' negotiations with third countries and whether the scope of this Decision and the procedures it lays down are appropriate.

Amendment

2. The report shall, in particular, assess the extent to which this Decision promotes compliance of intergovernmental agreements ***with the security of supply needs of Member States constituting the Union*** and a high level of ***cooperation*** between Member States with regard to ***such*** agreements. It shall also assess the impact that this Decision has on Member States' negotiations with third countries and whether the scope of this Decision and the procedures it lays down are appropriate.

Or. fr