



**2017/0294(COD)**

26.1.2018

# **AMENDMENTS**

## **8 - 142**

**Draft report**

**Jerzy Buzek**

(PE615.314v01-00)

on the proposal for a directive of the European Parliament and of the Council amending Directive 2009/73/EC concerning common rules for the internal market in natural gas

Proposal for a directive

(COM(2017)0660 – C8-0394/2017 – 2017/0294(COD))



## **Amendment 8**

**Martina Werner, Gabriele Preuß, Eva Kaili, Peter Kouroumbashev**

### **Proposal for a directive**

—

*Proposal for a rejection*

***The European Parliament rejects the Commission proposal.***

Or. en

### *Justification*

*The European Commission shall conduct a stakeholder consultation and an impact assessment to assess whether the provisions applicable in the gas directive 2009/73/EG require a revision.*

## **Amendment 9**

**Christian Ehler**

### **Proposal for a directive**

—

*Proposal for a rejection*

***The European Parliament rejects the Commission proposal.***

Or. de

### *Justification*

*Der Vorschlag ändert die Binnenmarktregulierung für Gas vollständig, indem er die bisherige erfolgreiche EU-Regulierung auf Drittstaaten ausdehnt, bisherige Kompetenzen der Mitgliedsstaaten nach Art.194 (2) auf die EU überträgt und das funktionierende System in Frage stellt. Zudem fehlt ein Impact Assessment, vor allem eine rechtliche Bewertung des Vorschlags und eine Auswirkungsstudie in Hinblick auf den steigenden Gasbedarf in der EU und die sinkenden Produktionsmengen in Norwegen, den Niederlanden und in Großbritannien in den nächsten zehn Jahren. Der Vorschlag widerspricht eklatant den Intentionen und Zielen des Winterpakets der EU-Kommission zur Stabilisierung des Energiebinnenmarktes und zur Klimapolitik. Da der zuständige Generaldirektor Borchardt im Industrieausschuss am 11.01.2018 unterstrich, dass die Infrastrukturmaßnahmen und der Betrieb von Pipelines von der Richtlinie nicht betroffen seien, ist die Richtlinie auch in*

*Hinblick auf Nordstream II überflüssig.*

**Amendment 10**

**Werner Langen, Markus Pieper**

**Proposal for a directive**

–

*Proposal for a rejection*

***The European Parliament rejects the  
Commission proposal.***

Or. de

*Justification*

*Der Vorschlag ändert die Binnenmarktregulierung für Gas vollständig, indem er die bisherige erfolgreiche EU-Regulierung auf Drittstaaten ausdehnt, bisherige Kompetenzen der Mitgliedsstaaten nach Art. 194 (2) auf die EU überträgt und das funktionierende System in Frage stellt. Zudem fehlt ein Impact Assessment, vor allem eine rechtliche Bewertung des Vorschlags und eine Auswirkungsstudie in Hinblick auf den steigenden Gasbedarf in der EU und die sinkenden Produktionsmengen in Norwegen, den Niederlanden und in Großbritannien in den nächsten zehn Jahren. Der Vorschlag widerspricht eklatant den Intentionen und Zielen des Winterpakets der EU-Kommission zur Stabilisierung des Energiebinnenmarktes und zur Klimapolitik. Da der zuständige Generaldirektor Borchardt im Industriausschuss am 11.01.2018 unterstrich, dass die Infrastrukturmaßnahmen und der Betrieb von Pipelines von der Richtlinie nicht betroffen seien, ist die Richtlinie auch in Hinblick auf Nordstream II überflüssig.*

**Amendment 11**

**Hermann Winkler, Sven Schulze**

**Proposal for a directive**

–

*Proposal for a rejection*

***The European Parliament rejects the  
Commission proposal.***

Or. de

*Justification*

*In spite of the importance of the proposal, no impact assessment has been carried out. That being the case, the authors are calling for the proposal to be rejected. The entire text should accordingly be deleted. As an alternative, however, it is proposed to amend the text.*

**Amendment 12**

**Neoklis Sylikiotis, Sofia Sakorafa**

**Proposal for a directive**

–

*Proposal for a rejection*

***The European Parliament rejects the Commission proposal.***

Or. en

**Amendment 13**

**Hermann Winkler, Sven Schulze**

**Draft legislative resolution**

**Paragraph 1 a (new)**

*Draft legislative resolution*

*Amendment*

***1a. Calls on the Commission to carry out an impact assessment, given that it has still to do so, and analyse the belated stakeholder consultation, which had not yet been concluded at the time of the legislative procedure, and, depending on the outcome, to adapt, replace, or withdraw the proposal;***

Or. de

**Amendment 14**

**Werner Langen, Markus Pieper**

**Proposal for a directive**

**Recital 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***(1a) This Directive should be based on the findings of stakeholder consultation and an impact assessment by the Commission in order to meet the Union ‘better regulation’ criteria.***

Or. de

*Justification*

*The amendments to the Gas Directive have been published even though nothing was produced by way of stakeholder consultation, an impact assessment, or a regulatory fitness check.*

**Amendment 15**  
**Christian Ehler**

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

*Text proposed by the Commission*

*Amendment*

***(1a) This Directive should be based on the findings of stakeholder consultation and an impact assessment by the Commission in order to meet the Union ‘better regulation’ criteria.***

Or. de

*Justification*

*The amendments to the Gas Directive have been published even though nothing was produced by way of stakeholder consultation, an impact assessment, or a regulatory fitness check.*

**Amendment 16**  
**Martina Werner, Gabriele Preuß, Eva Kaili, Peter Kouroumbashev**

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

*Text proposed by the Commission*

*Amendment*

**(1a) The European Commission should conduct a stakeholder consultation and an impact assessment to assess whether the provisions applicable in the Directive 2009/73/EC require a revision.**

Or. en

**Amendment 17**  
**Miapetra Kumpula-Natri**

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

*Text proposed by the Commission*

*Amendment*

**(1a) The European Commission should conduct an impact assessment before revising the Directive 2009/73/EC.**

Or. en

**Amendment 18**  
**Neoklis Sylikiotis, Sofia Sakorafa**

**Proposal for a directive**  
**Recital 3**

*Text proposed by the Commission*

*Amendment*

**(3) This Directive seeks to address the remaining obstacles to the completion of the internal market in natural gas resulting from the non-application of Union market rules to gas pipelines to and from third countries. The amendments introduced by this Directive will ensure that the rules applicable to gas transmission pipelines connecting two or more Member States, are also applicable to pipelines to and from third countries within the Union. This will establish**

**deleted**

*consistency of the legal framework within the Union while avoiding distortion of competition in the internal energy market in the Union. It will also enhance transparency and provide legal certainty as regards the applicable legal regime to market participants, in particular investors in gas infrastructure and network users.*

Or. en

#### *Justification*

*Export pipelines, either upstream or not are the means for MS to exploit their natural resources. According to Article 194 the Treaty of the Functioning of the EU no measures established by the Council and the EP necessary to achieve the objectives of the establishment and functioning of the internal market shall affect the MS's right to determine the conditions for exploiting its energy resources. It is therefore not acceptable and not legally justified to include those pipelines in the amendments proposed by the COM.*

#### **Amendment 19**

**Martina Werner, Gabriele Preuß, Eva Kaili, Peter Kouroumbashev**

#### **Proposal for a directive**

#### **Recital 3**

*Text proposed by the Commission*

*Amendment*

*(3) This Directive seeks to address the remaining obstacles to the completion of the internal market in natural gas resulting from the non-application of Union market rules to gas pipelines to and from third countries. The amendments introduced by this Directive will ensure that the rules applicable to gas transmission pipelines connecting two or more Member States, are also applicable to pipelines to and from third countries within the Union. This will establish consistency of the legal framework within the Union while avoiding distortion of competition in the internal energy market in the Union. It will also enhance transparency and provide legal certainty*

*deleted*



*as regards the applicable legal regime to market participants, in particular investors in gas infrastructure and network users.*

Or. en

**Amendment 20**  
**Pavel Telička**

**Proposal for a directive**  
**Recital 3**

*Text proposed by the Commission*

(3) This Directive seeks to address the remaining obstacles to the completion of the internal market in natural gas resulting from the non-application of Union market rules to gas pipelines to and from third countries. The amendments introduced by this Directive will ensure that the rules applicable to gas transmission pipelines connecting two or more Member States, are also applicable to pipelines to and from third countries within the Union. This will establish consistency of the legal framework within the Union while avoiding distortion of competition in the internal energy market in the Union. It will also enhance transparency and provide legal certainty as regards the applicable legal regime to market participants, in particular investors in gas infrastructure and network users.

*Amendment*

(3) This Directive seeks to address the remaining obstacles to the completion of the internal market in natural gas resulting from the non-application of Union market rules to gas pipelines to and from third countries. The amendments introduced by this Directive will ensure that the rules applicable to gas transmission pipelines connecting two or more Member States, are also applicable to pipelines to and from third countries within the Union. This will establish consistency of the legal framework within the Union, ***and provide for necessary reflection of strategic interests of Member States***, while avoiding distortion of competition in the internal energy market in the Union. It will also enhance transparency and provide legal certainty as regards the applicable legal regime to market participants, in particular investors in gas infrastructure and network users.

Or. en

**Amendment 21**  
**Pilar del Castillo Vera**

**Proposal for a directive**  
**Recital 3**

*Text proposed by the Commission*

(3) This Directive seeks to address the remaining obstacles to the completion of the internal market in natural gas resulting from the non-application of Union market rules to gas pipelines to and from third countries. The amendments introduced by this Directive will ensure that the rules applicable to gas transmission pipelines connecting two or more Member States, are also applicable to pipelines to and from third countries within the Union. This will establish consistency of the legal framework within the Union while avoiding distortion of competition in the internal energy market in the Union. It will also enhance transparency and provide legal certainty as regards the applicable legal regime to market participants, in particular investors in gas infrastructure and network users.

*Amendment*

(3) This Directive seeks to address the remaining obstacles to the completion of the internal market in natural gas resulting from the non-application of Union market rules to gas pipelines to and from third countries. The amendments introduced by this Directive will ensure that the rules applicable to gas transmission pipelines connecting two or more Member States, are also applicable to pipelines to and from third countries within the Union ***that have a significant impact on the internal market in natural gas***. This will establish consistency of the legal framework within the Union while avoiding distortion of competition in the internal energy market in the Union. It will also enhance transparency and provide legal certainty as regards the applicable legal regime to market participants, in particular investors in gas infrastructure and network users.

Or. en

**Amendment 22**

**Martina Werner, Gabriele Preuß, Eva Kaili, Peter Kouroumbashev**

**Proposal for a directive**

**Recital 4**

*Text proposed by the Commission*

***(4) To take account of the previous lack of specific Union rules applicable to gas pipelines to and from third countries, Member States should be able to grant derogations from certain provisions of Directive 2009/73/EC to such pipelines which are completed at the date of entry into force of this Directive. The relevant date for the application of unbundling models other than ownership unbundling should be adapted for gas pipelines to and from third countries.***

*Amendment*

***deleted***

**Amendment 23****Gunnar Hökmark, Bendt Bendtsen, Henna Virkkunen****Proposal for a directive****Recital 4***Text proposed by the Commission*

(4) To *take account of the previous lack of specific* Union rules *applicable to* gas pipelines to and from third countries, Member States should be able to grant derogations from certain provisions of Directive 2009/73/EC to such pipelines which are completed at the date of entry into force of this Directive. The relevant date for the application of unbundling models other than ownership unbundling should be adapted for gas pipelines to and from third countries.

*Amendment*

(4) To *complete the Energy Union and apply its* rules *on* gas pipelines to and from third countries, *in full accordance with Union legislation*, Member States should be able to grant derogations from certain provisions of Directive 2009/73/EC to such pipelines which are completed at the date of entry into force of this Directive, *only after having consulted the Commission, in particular as regards competition, the functioning and effectiveness of the internal energy market, security of supply and diversification of energy sources and suppliers*. The relevant date for the application of unbundling models other than ownership unbundling should be adapted for gas pipelines to and from third countries.

Or. en

**Amendment 24****Zdzisław Krasnodębski, Jadwiga Wiśniewska, Edward Czesak, Urszula Krupa, Jacek Saryusz-Wolski, Richard Sulík****Proposal for a directive****Recital 4***Text proposed by the Commission*

(4) To take account of the previous lack of specific Union rules applicable to gas pipelines to and from third countries, *Member States* should be able to grant derogations from certain provisions of

*Amendment*

(4) To take account of the previous lack of specific Union rules applicable to gas pipelines to and from third countries, *the Commission* should be able to grant derogations from certain provisions of

Directive 2009/73/EC to such pipelines which are completed **at** the date of **entry into force** of this **Directive**. The relevant date for the application of unbundling models other than ownership unbundling should be adapted for gas pipelines to and from third countries.

Directive 2009/73/EC to such pipelines which are completed **before** the date of **adoption** of this **proposal**. The relevant date for the application of unbundling models other than ownership unbundling should be adapted for gas pipelines to and from third countries **after the approval by the Commission**. **No derogation from the provisions of Directive 2009/73/EC should be granted to gas pipelines to and from third countries, which are subject to any EU restrictive measures, such as economic sanctions.**

Or. en

**Amendment 25**  
**Massimiliano Salini**

**Proposal for a directive**  
**Recital 4**

*Text proposed by the Commission*

(4) To take account of the previous lack of specific Union rules applicable to gas pipelines to and from third countries, **Member States should be able to grant derogations from certain** provisions of Directive 2009/73/EC to such pipelines which are completed at the date of entry into force of this Directive. **The relevant date for the application of unbundling models other than ownership unbundling should be adapted for gas pipelines to and from third countries.**

*Amendment*

(4) To take account of the previous lack of specific Union rules applicable to gas pipelines to and from third countries, **the** provisions of **the** Directive 2009/73/EC **should not apply** to such pipelines which are completed at the date of entry into force of this Directive.

Or. en

**Amendment 26**  
**Patrizia Toia**

**Proposal for a directive**  
**Recital 4**

*Text proposed by the Commission*

(4) To take account of the previous lack of specific Union rules applicable to gas pipelines to and from third countries, ***Member States should be able to grant derogations from certain provisions of Directive 2009/73/EC to such pipelines which are completed at the date of entry into force of this Directive. The relevant date for the application of unbundling models other than ownership unbundling should be adapted for gas pipelines to and from third countries.***

*Amendment*

(4) To take account of the previous lack of specific Union rules applicable to gas pipelines to and from third countries, ***the provisions of Directive 2009/73/EC do not apply*** to such pipelines which are completed at the date of entry into force of this Directive.

Or. it

**Amendment 27**

**Hermann Winkler, Sven Schulze**

**Proposal for a directive**

**Recital 4**

*Text proposed by the Commission*

(4) To take account of the previous lack of specific Union rules applicable to gas pipelines to and from third countries, Member States should be able to grant derogations from certain provisions of Directive 2009/73/EC to such pipelines which are completed at the date of entry into force of this Directive. The relevant date for the application of unbundling models other than ownership unbundling should be adapted for gas pipelines to and from third countries.

*Amendment*

(4) To take account of the previous lack of specific Union rules applicable to gas pipelines to and from third countries, Member States should be able to grant derogations from certain provisions of Directive 2009/73/EC to such pipelines which are completed at the date of entry into force of this Directive ***or which are already in the process of planning or being built, where major investment has already been made for those purposes.*** The relevant date for the application of unbundling models other than ownership unbundling should be adapted for gas pipelines to and from third countries.

Or. de

**Amendment 28**  
**Hans-Olaf Henkel**

**Proposal for a directive**  
**Recital 4**

*Text proposed by the Commission*

(4) To take account of the previous lack of specific Union rules applicable to gas pipelines to and from third countries, Member States should be able to grant derogations from certain provisions of Directive 2009/73/EC to such pipelines which are completed at the date of entry into force of this Directive. The relevant date for the application of unbundling models other than ownership unbundling should be adapted for gas pipelines to and from third countries.

*Amendment*

(4) To take account of the previous lack of specific Union rules applicable to gas pipelines to and from third countries, Member States should be able to grant derogations from certain provisions of Directive 2009/73/EC to such pipelines which are completed at the date of entry into force of this Directive. The relevant date for the application of unbundling models other than ownership unbundling should be adapted for gas pipelines to and from third countries ***after the approval by the Commission.***

Or. en

**Amendment 29**  
**Neoklis Sylikiotis, Sofia Sakorafa**

**Proposal for a directive**  
**Recital 4**

*Text proposed by the Commission*

(4) To take account of the previous lack of specific Union rules applicable to gas pipelines ***to and*** from third countries, Member States should be able to grant derogations from certain provisions of Directive 2009/73/EC to such pipelines which are completed at the date of entry into force of this Directive. The relevant date for the application of unbundling models other than ownership unbundling should be adapted for gas pipelines ***to and*** from third countries.

*Amendment*

(4) To take account of the previous lack of specific Union rules applicable to gas pipelines from third countries, Member States should be able to grant derogations from certain provisions of Directive 2009/73/EC to such pipelines which are completed at the date of entry into force of this Directive. The relevant date for the application of unbundling models other than ownership unbundling should be adapted for gas pipelines from third countries.

Or. en

### Amendment 30

Martina Werner, Gabriele Preuß, Eva Kaili, Peter Kouroumbashev

#### Proposal for a directive

##### Recital 5

*Text proposed by the Commission*

(5) *The applicability of Directive 2009/73/EC for gas pipelines to and from third countries remains confined to the territorial limit of Union's jurisdiction. As regards offshore pipelines, it should be applicable in the territorial waters and exclusive economic zones of the Member States.*

*Amendment*

*deleted*

Or. en

### Amendment 31

Hermann Winkler, Sven Schulze

#### Proposal for a directive

##### Recital 5

*Text proposed by the Commission*

(5) The applicability of Directive 2009/73/EC for gas pipelines to and from third countries remains confined to the territorial limit of Union's jurisdiction. As regards offshore pipelines, it should be applicable in the territorial waters and exclusive economic zones of the Member States.

*Amendment*

(5) The applicability of Directive 2009/73/EC for gas pipelines to and from third countries remains confined to the territorial limit of *the* Union's jurisdiction. As regards offshore pipelines, it should be applicable in the territorial waters and exclusive economic zones of the Member States, *where this is in accordance with the United Nations Convention on the Law of the Sea (UNCLOS).*

Or. de

### Amendment 32

Neoklis Sylikiotis, Sofia Sakorafa

**Proposal for a directive**  
**Recital 5**

*Text proposed by the Commission*

(5) The applicability of Directive 2009/73/EC for gas pipelines ***to and*** from third countries remains confined to the territorial limit of Union's jurisdiction. As regards offshore pipelines, it ***should be applicable*** in the ***territorial waters and exclusive economic zones*** of the ***Member States***.

*Amendment*

(5) The applicability of Directive 2009/73/EC for gas pipelines from third countries remains confined to the territorial limit of Union's jurisdiction. As regards offshore pipelines, it ***cannot be applied*** in the Exclusive Economic ***Zone as defined by the United Nations Convention on the Law of the Sea***.

Or. en

**Amendment 33**  
**Barbara Kappel**

**Proposal for a directive**  
**Recital 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***(5a) Directive 2009/73/EC should take into account the results of a stakeholder consultation and an impact assessment. Furthermore, there should be a scrutiny by the Regulatory Scrutiny Board in accordance with the requirements of the Better Regulation Guidelines of the European Commission [SWD (2017) 350].***

Or. en

*Justification*

*"Stakeholder consultation is an essential element of policy preparation and review. Good policy development is built on openness. Stakeholder inputs provide feedback and evidence to support evaluations, impact assessments, the preparation of initiatives and political decisions". SWD(2017) 350 final*

**Amendment 34**  
**Paul Rübzig**



**Proposal for a directive**  
**Recital 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**(5a) The directive should take into account the results of the stakeholder consultation and impact assessment conducted by the European Commission as well as scrutiny by the Regulatory Scrutiny Board in accordance with the requirements of the Better Regulation Guidelines of the European Commission [SWD (2017) 350].**

Or. en

*Justification*

*The proposed changes to the Gas Directive have been presented without supporting “stakeholder consultations”, “impact assessments” or “regulatory fitness check” that the “Better Regulation” Guidelines require. As clearly laid down in the “Better Regulation” guidelines of the European Commission, impact assessments shall be carried out in relation to Commission initiatives that are likely to have significant economic, social or environmental impacts ([https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law/impact-assessments\\_en](https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law/impact-assessments_en)).*

**Amendment 35**  
**Kathleen Van Brempt, Dan Nica**

**Proposal for a directive**  
**Recital 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**(5a) Member States should take concrete measures to assist the wider use of biogas and gas from biomass, green hydrogen and synthetic methane from renewable energy, the producers of which should be granted non-discriminatory access to the gas system, provided that such access is compatible with the relevant technical rules and safety standards on an ongoing basis.**

**Amendment 36**  
**Kathleen Van Brempt, Dan Nica**

**Proposal for a directive**  
**Recital 5 b (new)**

*Text proposed by the Commission*

*Amendment*

***(5b) Member States should ensure that, taking into account the necessary quality requirements, biogas and gas from biomass, green hydrogen and synthetic methane from renewable energy, or other types of gas are granted non-discriminatory access to the gas system, provided such access is permanently compatible with the relevant technical rules and safety standards. Those rules and standards should ensure that those gases can technically and safely be injected into, and transported through the natural gas system and should also address their chemical characteristics.***

Or. en

**Amendment 37**  
**Martina Werner, Gabriele Preuß, Eva Kaili, Peter Kouroumbashev**

**Proposal for a directive**  
**Recital 6**

*Text proposed by the Commission*

*Amendment*

***(6) Directive 2009/73/EC should therefore be amended accordingly,*** ***deleted***

Or. en

**Amendment 38**  
**Martina Werner, Gabriele Preuß, Eva Kaili, Peter Kouroumbashev**

**Proposal for a directive**  
**Article 1**

*Text proposed by the Commission*

*Amendment*

[...]

*deleted*

Or. en

**Amendment 39**  
**Kathleen Van Brempt, Dan Nica**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point -1 (new)**  
Directive 2009/73/EC  
Article 1 – paragraph 2

*Present text*

*Amendment*

2. The rules established by this Directive for natural gas, including LNG, shall also apply in a non-discriminatory way to biogas and gas from biomass or other types of gas in so far as such gases can technically and safely be injected into, and transported through, the natural gas system.

**(-1) in Article 1, paragraph 2 is replaced by the following:**

"2. The rules established by this Directive for natural gas, including LNG, shall also apply in a non-discriminatory way to biogas and gas from biomass, **green hydrogen and synthetic methane from renewable energy**, or other types of gas in so far as such gases can technically and safely be injected into, and transported through, the natural gas system."

Or. en

(<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:211:0094:0136:de:PDF>)

**Amendment 40**  
**Barbara Kappel**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point -1 (new)**  
Directive 2009/73/EC  
Article 1 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**(-1) in Article 1, the following paragraph is added:**

**"2a. Directive 2009/73/EC shall take into account the results of a stakeholder consultation and an impact assessment. Furthermore, there should be a scrutiny by the Regulatory Scrutiny Board in accordance with the requirements of the Better Regulation Guidelines of the European Commission [SWD (2017) 350]."**

Or. en

*Justification*

*The directive 2009/73/EC shall take into account the results of a stakeholder consultation and an impact assessment. Further there should be a scrutiny by the Regulatory Scrutiny Board in accordance with the requirements of the "Better Regulation" guidelines of the European Commission [SWD (2017) 350].*

**Amendment 41**  
**Werner Langen**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point -1 (new)**  
Directive 2009/73/EC  
Article 1 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**(-1) in Article 1, the following paragraph is added:**

**"(2a) The rules laid down in this Directive for natural gas cannot enter into force until they have been supported by favourable findings of an impact assessment. The Regulatory Scrutiny Board shall examine the quality of the impact assessment report beforehand."**

Or. de

### *Justification*

*The European energy market cannot work unless import pipelines are covered by the ‘Third Energy Package’ procedure. In any event, given the importance of this matter, there has to be an impact assessment as well as stakeholder consultation.*

#### **Amendment 42** **Rolandas Paksas**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point -1 (new)**  
Directive 2009/73/EC  
Article 1 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**(-1) in Article 1, the following paragraph is added:**

**“2a. With regard to gas infrastructure connecting a Member State to a third country, this Directive shall apply within the territorial limit of Union’s jurisdiction. As regards offshore pipelines, this Directive shall not apply in the exclusive economic zones of the Member States.”**

Or. en

#### **Amendment 43** **Gunnar Hökmark, Bendt Bendtsen, Henna Virkkunen**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point -1 (new)**  
Directive 2009/73/EC  
Article 1 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**(-1) in Article 1, the following paragraph is added:**

**“2a. The applicability of Directive 2009/73/EC for gas pipelines to and from third countries shall remain confined to the territorial limit of Union's**

*jurisdiction. As regards offshore pipelines, it shall apply in the territorial waters and exclusive economic zones of the Member States.”*

Or. en

**Amendment 44**  
**Werner Langen, Markus Pieper**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 1**  
Directive 2009/73/EC  
Article 2 – point 17

*Text proposed by the Commission*

*Amendment*

*(1) in Article 2, point (17) is replaced by the following:*

*deleted*

*“(17) ‘interconnector’ means a transmission line which crosses or spans a border between Member States or between Member States and third countries up to the border of Union jurisdiction;”*

Or. de

**Amendment 45**  
**Christian Ehler**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 1**  
Directive 2009/73/EC  
Article 2 – point 17

*Text proposed by the Commission*

*Amendment*

*(1) in Article 2, point (17) is replaced by the following:*

*deleted*

*“(17) ‘interconnector’ means a transmission line which crosses or spans a border between Member States or between Member States and third*

*countries up to the border of Union jurisdiction;”*

Or. de

**Amendment 46**

**Zdzisław Krasnodębski, Jadwiga Wiśniewska, Hans-Olaf Henkel, Edward Czesak, Urszula Krupa, Jacek Saryusz-Wolski, Richard Sulík**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 1**

Directive 2009/73/EC

Article 2 – point 17

*Text proposed by the Commission*

(17) ‘interconnector’ means a transmission line which crosses or spans a border between Member States *or* between Member States and third countries up to the border of Union jurisdiction;

*Amendment*

(17) ‘interconnector’ means a transmission line which crosses or spans a border between Member States *for the sole purpose of connecting the national transmission systems of those Member States or a transmission line* between Member States and third countries up to the border of Union jurisdiction, *including territorial waters and exclusive economic zones of the Member States;*

Or. en

*Justification*

*The amendment aims at ensuring that proposed recast of Directive is consistent with the existing provisions regarding the intra-EU interconnectors. Amending the definition of the intra-EU interconnectors is out of the proposed scope of the current proposal. Regarding the territorial scope of the jurisdiction of the Member State, the applicability of the Directive and its compliance with international law should be explicit.*

**Amendment 47**

**Patrizia Toia**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 1**

Directive 2009/73/EC

Article 2 – point 17

*Text proposed by the Commission*

"(17) 'interconnector' means a transmission line which crosses or spans a border between Member States or between Member States and third countries up to the border of Union jurisdiction;"

*Amendment*

"(17) 'interconnector' means a transmission line which crosses or spans a border between Member States or between Member States and third countries up to the border of Union jurisdiction; ***this definition does not apply to transmission lines between Member States and third countries which were completed prior to the date of adoption of this Directive;***"

Or. it

**Amendment 48**

**Massimiliano Salini**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 1**

Directive 2009/73/EC

Article 2 – point 17

*Text proposed by the Commission*

(17) 'interconnector' means a transmission line which crosses or spans a border between Member States or between Member States and third countries up to the border of Union jurisdiction;

*Amendment*

(17) 'interconnector' means a transmission line which crosses or spans a border between Member States or between Member States and third countries up to the border of Union jurisdiction. ***The present definition does not apply to transmission lines between Member States and third countries completed before [PO date of adoption of this amending Directive]***

Or. en

**Amendment 49**

**Morten Helveg Petersen, Dominique Riquet, Fredrick Federley, Pavel Telička**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 1**

Directive 2009/73/EC

Article 2 – point 17



*Text proposed by the Commission*

(17) ‘interconnector’ means a transmission line which crosses or spans a border between Member States or between Member States and third countries up to the border of Union jurisdiction;

*Amendment*

(17) ‘interconnector’ means a transmission line which crosses or spans a border between Member States or between Member States and third countries up to the border of Union jurisdiction, ***including territorial waters and Exclusive Economic Zones of the Member States;***

Or. en

**Amendment 50**

**Dan Nica, Patrizia Toia, Zigmantas Balčytis, Miroslav Poche, Răzvan Popa**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 1**

Directive 2009/73/EC

Article 2 – point 17

*Text proposed by the Commission*

(17) ‘interconnector’ means a transmission line which crosses or spans a border between Member States or between Member States and third countries up to the border of Union jurisdiction;

*Amendment*

(17) ‘interconnector’ means a transmission line, ***including its entry points from and exit points to a third country,*** which crosses or spans a border between Member States or between Member States and third countries up to the border of Union jurisdiction;

Or. en

*Justification*

*For coherence with the technical terminology established in EU gas network codes.*

**Amendment 51**

**Claude Turmes**

on behalf of the Verts/ALE Group

**Proposal for a directive**

**Article 1 – paragraph 1 – point 1**

Directive 2009/73/EC  
Article 2 – point 17

*Text proposed by the Commission*

(17) ‘interconnector’ means a transmission line which crosses or spans a border between Member States or between Member States and third countries up to the border of Union jurisdiction;

*Amendment*

(17) ‘interconnector’ means a transmission line which crosses or spans a border between Member States or between Member States and third countries up to the border of Union jurisdiction, ***including in the territorial waters and exclusive economic zones;***

Or. en

**Amendment 52**  
**Rosa D'Amato, Dario Tamburrano**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 1**  
Directive 2009/73/EC  
Article 2 – point 17

*Text proposed by the Commission*

"(17) ‘interconnector’ means a transmission line which crosses or spans a border between Member States or between Member States and third countries up to the border of Union jurisdiction;"

*Amendment*

"(17) ‘interconnector’ means a transmission line which crosses or spans a border between Member States or between Member States and third countries up to the border of Union jurisdiction ***and including territorial waters and exclusive economic zones;***"

Or. it

**Amendment 53**  
**Neoklis Sylikiotis, Sofia Sakorafa**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 1**  
Directive 2009/73/EC  
Article 2 – point 17

*Text proposed by the Commission*

(17) ‘interconnector’ means a transmission line which crosses or spans a border between Member States *or between Member States and third countries up to the border of Union jurisdiction*;

*Amendment*

(17) ‘interconnector’ means a transmission line which crosses or spans a border between Member States;

Or. en

**Amendment 54**  
**Pilar del Castillo Vera**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 1**  
Directive 2009/73/EC  
Article 2 – point 17

*Text proposed by the Commission*

(17) ‘interconnector’ means a transmission line which crosses or spans a border between Member States *or between Member States and third countries up to the border of Union jurisdiction*;

*Amendment*

(17) ‘interconnector’ means a transmission line which crosses or spans a border between Member States *for the sole purpose of connecting the national transmission systems of those Member States*;

Or. en

**Amendment 55**  
**Pilar del Castillo Vera**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 1 a (new)**  
Directive 2009/73/EC  
Article 2 – point 17 a (new)

*Text proposed by the Commission*

*Amendment*

*(1a) In Article 2, the following point 17a is added:*

*“(17a) interconnector to and from a third country means a transmission line which crosses or spans a border between*

*Member States and third countries up to the border of Union jurisdiction, provided it has a European dimension.*

*An interconnector to and from a third country has a European dimension where:*

*(a) the transmission capacity of the interconnector is over 40 bcm/year, or*

*(b) the transmission capacity of the interconnector is over 15 bcm/year and the transmission capacity of the whole set of interconnectors that connect the European Union and the third country is over 80 bcm/year. "*

Or. en

#### *Justification*

*To comply with the principles of necessity, subsidiarity and proportionality, the scope of application of this Directive should be limited to those gas pipelines to and from third countries that have a significant impact on the internal market.*

#### **Amendment 56**

**Neoklis Sylikiotis, Sofia Sakorafa**

#### **Proposal for a directive**

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

Directive 2009/73/EC

Article 2 – point 36 a (new)

*Text proposed by the Commission*

*Amendment*

*(1a) in Article 2, the following point 36a is added:*

*"(36a) "Import pipeline network" means any pipeline or network of pipelines exclusively or primarily used to transport gas from third countries to the first physical interconnection point with a transmission network in the Union."*

Or. en

**Amendment 57**  
**Hermann Winkler, Sven Schulze**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 1 a (new)**  
Directive 2009/73/EC  
Article 2 – point 36 a (new)

*Text proposed by the Commission*

*Amendment*

**(1a) in Article 2, the following point (36a) is inserted :**

**“(36a) ‘import pipeline network’ means any pipeline or pipeline network used mainly or exclusively to convey gas from third countries to the first physical interconnection point with a transmission system within the Union.”**

Or. de

**Amendment 58**  
**Rolandas Paksas**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 1 a (new)**  
Directive 2009/73/EC  
Article 2 – point 36 a (new)

*Text proposed by the Commission*

*Amendment*

**(1a) in Article 2, the following point 36a is added:**

**“(36a) ‘import pipeline network’ means a pipeline or network of pipelines that is used for transporting gas from a country outside the European Economic Area to a physical interconnection point that is part of the transmission network inside the Union.”**

Or. en

## **Amendment 59**

**Aldo Patriciello**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 1 a (new)**

Directive 2009/73/EC

Article 2 – point 36 a (new)

*Text proposed by the Commission*

*Amendment*

**(1a) in Article 2, the following point 36a is added:**

**"(36a) 'Import pipeline network' means any pipelines exclusively or primarily used to transport gas from third countries to the first physical interconnection point with a transmission network in the Union."**

Or. en

## **Amendment 60**

**Werner Langen, Markus Pieper**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 2**

Directive 2009/73/EC

Article 9

*Text proposed by the Commission*

*Amendment*

**(2) Article 9 is amended as follows:**

**deleted**

**(a) in paragraph 8, the first subparagraph is replaced by the following:**

**"8. A Member State may decide not to apply paragraph 1:**

**(a) where the transmission system belonged to a vertically integrated undertaking on 3 September 2009;**

**(b) as regards infrastructure to and from third countries between the border of Union jurisdiction and the first interconnection point with the Union network, where the transmission system**

*belonged to a vertically integrated undertaking on [PO: date of adoption of this proposal].”;*

*(b) paragraph 9 is replaced by the following:*

*“9. Where there are arrangements in place which guarantee more effective independence of the transmission system operator than the provisions of Chapter IV, a Member State may decide not to apply paragraph 1:*

*(a) where the transmission system belonged to a vertically integrated undertaking on 3 September 2009;*

*(b) as regards infrastructure to and from third countries between the border of Union jurisdiction and the first interconnection point with the Union network, where the transmission system belonged to a vertically integrated undertaking on [PO: date of adoption of this proposal].”;*

Or. de

*Justification*

*The proposal creates new legal uncertainty.*

**Amendment 61**  
**Christian Ehler**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2**  
Directive 2009/73/EC  
Article 9

*Text proposed by the Commission*

*Amendment*

*(2) Article 9 is amended as follows: deleted*

*(a) in paragraph 8, the first subparagraph is replaced by the following:*

**“8. A Member State may decide not to apply paragraph 1:**

**(a) where the transmission system belonged to a vertically integrated undertaking on 3 September 2009;**

**(b) as regards infrastructure to and from third countries between the border of Union jurisdiction and the first interconnection point with the Union network, where the transmission system belonged to a vertically integrated undertaking on [PO: date of adoption of this proposal].”;**

**(b) paragraph 9 is replaced by the following:**

**“9. Where there are arrangements in place which guarantee more effective independence of the transmission system operator than the provisions of Chapter IV, a Member State may decide not to apply paragraph 1:**

**(a) where the transmission system belonged to a vertically integrated undertaking on 3 September 2009;**

**(b) as regards infrastructure to and from third countries between the border of Union jurisdiction and the first interconnection point with the Union network, where the transmission system belonged to a vertically integrated undertaking on [PO: date of adoption of this proposal].”;**

Or. de

#### *Justification*

*The proposal creates new legal uncertainty.*

#### **Amendment 62**

**Zdzisław Krasnodębski, Jadwiga Wiśniewska, Hans-Olaf Henkel, Edward Czesak, Urszula Krupa, Jacek Saryusz-Wolski, Richard Sulík**



**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point a**

Directive 2009/73/EC

Article 9 – paragraph 8 – subparagraph 1 – point b

*Text proposed by the Commission*

(b) as regards infrastructure to and from third countries between the border of Union jurisdiction and the first interconnection point with the Union network, where the transmission system belonged to a vertically integrated undertaking on [PO: date of adoption of this proposal];

*Amendment*

(b) as regards infrastructure to and from third countries between the border of Union jurisdiction and the first interconnection point with the Union network, where the transmission system belonged to a vertically integrated undertaking on [PO: date of adoption of this proposal]. ***Such decision shall be subject to approval by the Commission.***

Or. en

**Amendment 63**

**Neoklis Sylikiotis, Sofia Sakorafa**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point a**

Directive 2009/73/EC

Article 9 – paragraph 8 – subparagraph 1 – point b

*Text proposed by the Commission*

(b) as regards infrastructure ***to and*** from third countries between the border of Union jurisdiction and the first interconnection point with the Union network, where the transmission system belonged to a vertically integrated undertaking on [PO: date of adoption of this proposal];

*Amendment*

(b) as regards infrastructure from third countries between the border of Union jurisdiction and the first interconnection point with the Union network, where the transmission system belonged to a vertically integrated undertaking on [PO: date of adoption of this proposal];

Or. en

**Amendment 64**

**András Gyürk**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point a**

Directive 2009/73/EC  
Article 9 – paragraph 8 – subparagraph 1 – point b a (new)

*Text proposed by the Commission*

*Amendment*

***(ba) where a certified transmission system operator integrates into its network a directly connected interconnector or a pipeline built according to Article 22 paragraph 7 which is directly connected to its network.***

Or. en

### **Amendment 65**

**Zdzisław Krasnodębski, Jadwiga Wiśniewska, Hans-Olaf Henkel, Edward Czesak, Urszula Krupa, Jacek Saryusz-Wolski, Richard Sulík**

#### **Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point b**

Directive 2009/73/EC

Article 9 – paragraph 9 – point b

*Text proposed by the Commission*

*Amendment*

(b) as regards infrastructure to and from third countries between the border of Union jurisdiction and the first interconnection point with the Union network, where the transmission system belonged to a vertically integrated undertaking on [PO: date of adoption of this proposal].;

(b) as regards infrastructure to and from third countries between the border of Union jurisdiction and the first interconnection point with the Union network, where the transmission system belonged to a vertically integrated undertaking on [PO: date of adoption of this proposal]. ***Such decision shall be subject to approval by the Commission.***

Or. en

### **Amendment 66**

**Neoklis Sylikiotis, Sofia Sakorafa**

#### **Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point b**

Directive 2009/73/EC

Article 9 – paragraph 9 – point b

*Text proposed by the Commission*

(b) as regards infrastructure *to and* from third countries between the border of Union jurisdiction and the first interconnection point with the Union network, where the transmission system belonged to a vertically integrated undertaking on [PO: date of adoption of this proposal].;

*Amendment*

(b) as regards infrastructure from third countries between the border of Union jurisdiction and the first interconnection point with the Union network, where the transmission system belonged to a vertically integrated undertaking on [PO: date of adoption of this proposal].;

Or. en

**Amendment 67**

**András Gyürk**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point b**

Directive 2009/73/EC

Article 9 – paragraph 9 – point b a (new)

*Text proposed by the Commission*

*Amendment*

*(ba) where a certified transmission system operator integrates into its network a directly connected interconnector or a pipeline built in accordance with Article 22(7) which is directly connected to its network.*

Or. en

**Amendment 68**

**Christian Ehler**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 3**

Directive 2009/73/EC

Article 14 – paragraph 1

*Text proposed by the Commission*

*Amendment*

**(3) in Article 14, paragraph 1 is replaced by the following:**

*deleted*

**“1. Member States may decide not to apply Article 9(1) and designate an independent system operator upon a proposal from the transmission system owner:**

**(a) where the transmission system belonged to a vertically integrated undertaking on 3 September 2009;**

**(b) as regards infrastructure to and from third countries between the border of Union jurisdiction and the first interconnection point with the Union network, where the transmission system belonged to a vertically integrated undertaking on [PO: date of adoption of this proposal].**

**Such designation shall be subject to approval by the Commission.”;**

Or. de

*Justification*

*The proposal creates new legal uncertainty.*

**Amendment 69**

**Werner Langen, Markus Pieper**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 3**

Directive 2009/73/EC

Article 14 – paragraph 1

*Text proposed by the Commission*

*Amendment*

**(3) in Article 14, paragraph 1 is replaced by the following:** *deleted*

**“1. Member States may decide not to apply Article 9(1) and designate an independent system operator upon a proposal from the transmission system owner:**

**(a) where the transmission system belonged to a vertically integrated**

*undertaking on 3 September 2009;*

*(b) as regards infrastructure to and from third countries between the border of Union jurisdiction and the first interconnection point with the Union network, where the transmission system belonged to a vertically integrated undertaking on [PO: date of adoption of this proposal].*

*Such designation shall be subject to approval by the Commission.”;*

Or. de

#### *Justification*

*The proposal creates new legal uncertainty.*

#### **Amendment 70**

**Neoklis Sylikiotis, Sofia Sakorafa**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 3**

Directive 2009/73/EC

Article 14 – paragraph 1 – point b

#### *Text proposed by the Commission*

(b) as regards infrastructure *to and* from third countries between the border of Union jurisdiction and the first interconnection point with the Union network, where the transmission system belonged to a vertically integrated undertaking on [PO: date of adoption of this proposal].

#### *Amendment*

(b) as regards infrastructure from third countries between the border of Union jurisdiction and the first interconnection point with the Union network, where the transmission system belonged to a vertically integrated undertaking on [PO: date of adoption of this proposal].

Or. en

#### **Amendment 71**

**Neoklis Sylikiotis, Sofia Sakorafa**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 4**  
Directive 2009/73/EC  
Article 34 – paragraph 4

*Text proposed by the Commission*

*Amendment*

**(4)** *In Article 34, paragraph 4, the following third sentence is added:* **deleted**

***"Where the network concerned is covered by at least one Member State and at least one third country, the Member States concerned shall consult each other and shall consult the third countries concerned, with a view to ensuring, as regards the network concerned, that the provisions of this Directive are applied consistently up to the border of Union jurisdiction."***

Or. en

*Justification*

*The article 34 concerns the upstream pipelines. No further obligations regarding those pipelines are justified and obligation for consultation is not acceptable.*

**Amendment 72**  
**Christian Ehler**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 4**  
Directive 2009/73/EC  
Article 34 – paragraph 4

*Text proposed by the Commission*

*Amendment*

**(4)** *In Article 34, paragraph 4, the following third sentence is added:* **deleted**

***"Where the network concerned is covered by at least one Member State and at least one third country, the Member States concerned shall consult each other and shall consult the third countries concerned, with a view to ensuring, as regards the network concerned, that the***

*provisions of this Directive are applied consistently up to the border of Union jurisdiction.”*

*(Point 3 is listed twice in the Commission proposal.)*

Or. de

*Justification*

*The proposal creates new legal uncertainty.*

**Amendment 73**  
**Werner Langen**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 4**  
Directive 2009/73/EC  
Article 34 – paragraph 4

*Text proposed by the Commission*

*Amendment*

**(4)** *In Article 34, paragraph 4, the following third sentence is added:*

*deleted*

*“Where the network concerned is covered by at least one Member State and at least one third country, the Member States concerned shall consult each other and shall consult the third countries concerned, with a view to ensuring, as regards the network concerned, that the provisions of this Directive are applied consistently up to the border of Union jurisdiction.”*

Or. de

*Justification*

*The proposal creates new legal uncertainty. Point 3 is listed twice.*

**Amendment 74**  
**Dan Nica, Patrizia Toia, Zigmantas Balčytis, Miroslav Poche, Răzvan Popa**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 4 a (new)**  
Directive 2009/73/EC  
Article 34 – paragraph 4 – fourth sentence

*Text proposed by the Commission*

*Amendment*

**(4a) In Article 34, paragraph 4, the following fourth sentence is added:**

***Where the third countries subject to such consultation do not respond to the consultations, the Member States concerned may take the necessary decision.***

Or. en

**Amendment 75**  
**Aldo Patriciello**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 4 a (new)**  
Directive 2009/73/EC  
Article 34 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

**(4a) in Article 34, the following paragraph 4a is added:**

***"(4a) For the purposes of exempting new infrastructure to and from third countries from relevant parts of the Directive, the final decision for infrastructure to and from third countries should be taken by the national competent authority of the Member state where the infrastructure first interconnects with the Union network."***

Or. en

*Justification*

*The amendment would ensure that the decision-making procedure applicable to third country import pipelines is in line with the procedure applicable to the certification of transmission*



*system owner or operators controlled by the persons from a third country.*

## **Amendment 76**

**Neoklis Sylikiotis, Sofia Sakorafa**

### **Proposal for a directive**

**Article 1 – paragraph 1 – point 4 a (new)**

Directive 2009/73/EC

Article 34 a (new)

*Text proposed by the Commission*

*Amendment*

**(4a) The following Article 34a is added:**

**"Article 34a**

***A Member State may decide to apply the rules concerning transmission systems to import pipelines, provided that:***

**(a) *a cost benefit analysis demonstrates that doing so will progress the objectives of this Directive; and***

**(b) *the Member State has reached an agreement with the third country concerned which would allow the application of the rules to the entire import pipeline network.*"**

Or. en

## **Amendment 77**

**Rolandas Paksas**

### **Proposal for a directive**

**Article 1 – paragraph 1 – point 4 a (new)**

Directive 2009/73/EC

Article 34 a (new)

*Text proposed by the Commission*

*Amendment*

**(4a) The following Article 34a is added:**

**"Article 34a**

***Import pipeline networks***

***The rules concerning transmission***

*systems may be applied by a Member State to import pipelines, provided that:*

*(a) it has been proven that this will support the objectives of this Directive, e.g. by means of a cost benefit analysis;*

*(b) there is an understanding between the Member State and the respective country outside the European Economic Area according to which it is possible to apply the rules to the entire pipeline network."*

Or. en

**Amendment 78**  
**Aldo Patriciello**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 4 b (new)**  
Directive 2009/73/EC  
Article 34 a (new)

*Text proposed by the Commission*

*Amendment*

**(4b) The following Article 34a is added:**

**"Article 34a**

***A Member State may decide to apply the rules concerning transmission system to import pipelines provided that:***

***(a) a cost benefit analysis demonstrates that doing so will progress the objectives of this directive ;***

***and***

***(b) the Member State has reached an agreement, with the third country concerned which should allow the application of the rules to the entire import pipeline network."***

Or. en

**Amendment 79**  
**Hermann Winkler, Sven Schulze**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 4 a (new)**  
Directive 2009/73/EC  
Article 35 a (new)

*Text proposed by the Commission*

*Amendment*

**(4a) A new Article 35a is added:**

**“Article 35a**

***A Member State may decide to apply the rules for transmission systems to import pipelines if, on the basis of a cost-benefit analysis, it is proven that this serves to further the objectives of the Directive and if the Member State is also able to prove that agreements can be concluded with the third country concerned, allowing the rules to be applied to the entire import network.”***

Or. de

**Amendment 80**  
**Rosa D'Amato, Dario Tamburrano**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 5**  
Directive 2009/73/EC  
Article 36

*Text proposed by the Commission*

*Amendment*

**(5) Article 36 is *amended as follows*:**

**(5) Article 36 is *deleted*.**

Or. it

*(<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:211:0094:0136:en:PDF>)*

**Amendment 81**  
**Rosa D'Amato, Dario Tamburrano**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 5**  
Directive 2009/73/EC  
Article 36

*Text proposed by the Commission*

*Amendment*

(5) *Article 36 is amended as follows:* *deleted*

(a) *in paragraph 3, the following second sentence is added:*

*"Where the infrastructure in question is under the jurisdiction of a Member State and one (or more) third countries, the national regulatory authority shall consult the relevant authorities of the third countries prior to adopting a decision.";*

(b) *in the second subparagraph of paragraph 4, the following second sentence is added:*

*"Where the infrastructure in question is also under the jurisdiction of one or more third countries, the national regulatory authorities of the Member States shall consult the relevant authorities of the third countries prior to adopting a decision with a view to ensuring, as regards the concerned infrastructure, that the provisions of this Directive are applied consistently up to the border of Union jurisdiction.";*

Or. it

**Amendment 82**  
**Christian Ehler**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 5**  
Directive 2009/73/EC  
Article 36

(5) *Article 36 is amended as follows:* **deleted**

(a) *in paragraph 3, the following second sentence is added:*

*"Where the infrastructure in question is under the jurisdiction of a Member State and one (or more) third countries, the national regulatory authority shall consult the relevant authorities of the third countries prior to adopting a decision.";*

(b) *in the second subparagraph of paragraph 4, the following second sentence is added:*

*"Where the infrastructure in question is also under the jurisdiction of one or more third countries, the national regulatory authorities of the Member States shall consult the relevant authorities of the third countries prior to adopting a decision with a view to ensuring, as regards the concerned infrastructure, that the provisions of this Directive are applied consistently up to the border of Union jurisdiction.";*

Or. de

*Justification*

*The proposal creates new legal uncertainty*

**Amendment 83**

**Werner Langen, Markus Pieper**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 5**

Directive 2009/73/EC

Article 36

(5) *Article 36 is amended as follows:* **deleted**

(a) *in paragraph 3, the following second sentence is added:*

*"Where the infrastructure in question is under the jurisdiction of a Member State and one (or more) third countries, the national regulatory authority shall consult the relevant authorities of the third countries prior to adopting a decision.";*

(b) *in the second subparagraph of paragraph 4, the following second sentence is added:*

*"Where the infrastructure in question is also under the jurisdiction of one or more third countries, the national regulatory authorities of the Member States shall consult the relevant authorities of the third countries prior to adopting a decision with a view to ensuring, as regards the concerned infrastructure, that the provisions of this Directive are applied consistently up to the border of Union jurisdiction.";*

Or. de

*Justification*

*The proposal creates new legal uncertainty;*

**Amendment 84**

**Aldo Patriciello**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 5– point -a (new)**

Directive 2009/73/EC

Article 36 – paragraph -1 (new)

**(-a) *the following paragraph is inserted:***

***"-1. For interconnectors between Member States, LNG and storage facilities the following shall apply."***

Or. en

**Amendment 85**

**Claude Turmes**

on behalf of the Verts/ALE Group

**Proposal for a directive**

**Article 1 – paragraph 1 – point 5 – point -a (new)**

Directive 2009/73/EC

Article 36 – paragraph 1

*Present text*

*Amendment*

1. Major new gas infrastructure, i.e. interconnectors, LNG and storage facilities, may, upon request, be exempted, for a defined period of time, from the provisions of Articles 9, 32, 33 and 34 and Article 41(6), (8) and (10) under the following conditions:

- (a) the investment must enhance competition in gas supply and enhance security of supply
- (b) the level of risk attached to the investment must be such that the investment would not take place unless an exemption was granted;
- (c) the infrastructure must be owned by a natural or legal person which is separate at least in terms of its legal form from the system operators in whose systems that

**(-a) *paragraph 1 is replaced by the following:***

"1. Major new gas infrastructure, i.e. interconnectors, LNG and storage facilities, may, upon request, be exempted, for a defined period of time ***not longer than [PO: 5 years from the date of entry into force of this (amending) Directive]***, from the provisions of Articles 9, 32, 33 and 34 and Article 41(6), (8) and (10) under the following conditions:

- (a) the investment must enhance competition in gas supply and enhance security of supply;
- (b) the level of risk attached to the investment must be such that the investment would not take place unless an exemption was granted;
- (c) the infrastructure must be owned by a natural or legal person which is separate at least in terms of its legal form from the system operators in whose systems that

infrastructure will be built;

(d) charges must be levied on users of that infrastructure; and

(e) the exemption must not be detrimental to competition or the effective functioning of the internal market in natural gas, **or** the efficient functioning of the regulated system to which the infrastructure is connected;

infrastructure will be built;

(d) charges must be levied on users of that infrastructure; and

(e) the exemption must not be detrimental to competition or the effective functioning of the internal market in natural gas, the efficient functioning of the regulated system to which the infrastructure is connected, **or to the diversification and security of the supply of natural gas to and within the Union or any Member State.**"

Or. en

### *Justification*

*[The reference in the header relating to the amending act ("Article 1 – paragraph 1 – point 5(-a) (new)") corresponds to "Article 1 – paragraph 1 – point 4(-a) (new)" of the Commission's Proposal. This discrepancy is caused by the incorrect numbering (Article 1, paragraph 1, point 3 is duplicated) in the Commission's proposal in all the language versions except for Hungarian.]*

### **Amendment 86**

**Zdzisław Krasnodębski, Jadwiga Wiśniewska, Edward Czesak, Urszula Krupa, Jacek Saryusz-Wolski**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 5 – point -a (new)**

Directive 2009/73/EC

Article 36 – paragraph 1

1. Major new gas infrastructure, i.e. interconnectors, LNG and storage facilities, may, upon request, be exempted, for a defined period of time, from the provisions of Articles 9, 32, 33 and 34 and Article 41(6), (8) and (10) under the following conditions:

(a) the investment must enhance competition in gas supply and enhance security of supply

***(- a) paragraph 1 is replaced by the following:***

"1. Major new gas infrastructure, i.e. interconnectors, LNG and storage facilities, may, upon request, be exempted, for a defined period of time, from the provisions of Articles 9, 32, 33 and 34 and Article 41(6), (8) and (10) under the following ***cumulative*** conditions:

(a) the investment must enhance competition in gas supply and enhance security of supply;



- (b) the level of risk attached to the investment must be such that the investment would not take place unless an exemption was granted;
- (c) the infrastructure must be owned by a natural or legal person which is separate at least in terms of its legal form from the system operators in whose systems that infrastructure will be built;
- (d) charges must be levied on users of that infrastructure; and
- (e) the exemption must not be detrimental to competition *or* the effective functioning of the internal market in natural gas, *or* the efficient functioning of the regulated *system to which the infrastructure is connected*;

- (b) the level of risk attached to the investment must be such that the investment would not take place unless an exemption was granted;
- (c) the infrastructure must be owned by a natural or legal person which is separate at least in terms of its legal form from the system operators in whose systems that infrastructure will be built;
- (d) charges must be levied on users of that infrastructure; and
- (e) the exemption must not be detrimental to competition *in the relevant markets, which are likely to be affected by the investment*, the effective functioning of the internal market in natural gas, the efficient functioning of the *concerned regulated systems*;
- (ea) *no EU restrictive measures, such as economic sanctions were imposed on the third country involved in the investment.*"

Or. en

(<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:211:0094:0136:it:PDF>)

#### *Justification*

*All conditions for granting an exemption are to be met cumulatively and without prejudice to the competition in the relevant markets, which are likely to be affected by the new infrastructure. Based on the current wording of Art. 36, paragraph 1, the amendment introduces the word "cumulatively" in the first sentence and additional changes in the point (e), as well as a new point (f).*

#### **Amendment 87** **Janusz Korwin-Mikke**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 5 – point -a (new)**  
Directive 2009/73/EC  
Article 36 – paragraph 1

1. Major new gas infrastructure, i.e. interconnectors, LNG and storage facilities, may, upon request, be exempted, for a defined period of time, from the provisions of Articles 9, 32, 33 and 34 and Article 41(6), (8) and (10) **under** the following conditions:

- (a) the investment must enhance competition in gas supply and enhance security of supply
- (b) the level of risk attached to the investment must be such that the investment would not take place unless an exemption was granted;
- (c) the infrastructure must be owned by a natural or legal person which is separate at least in terms of its legal form from the system operators in whose systems that infrastructure will be built;
- (d) charges must be levied on users of that infrastructure; and
- (e) the exemption must not be detrimental to competition **or** the effective functioning of the internal market in natural gas, **or** the efficient functioning of the regulated **system to which the infrastructure is connected**;

**(- a) paragraph 1 is replaced by the following:**

"1. Major new gas infrastructure, i.e. interconnectors, LNG and storage facilities, may, upon request, be exempted, for a defined period of time, from the provisions of Articles 9, 32, 33 and 34 and Article 41(6), (8) and (10) **if** the following **cumulative** conditions **are fulfilled**:

- (a) the investment must enhance competition in gas supply and enhance security of supply;
- (b) the level of risk attached to the investment must be such that the investment would not take place unless an exemption was granted;
- (c) the infrastructure must be owned by a natural or legal person which is separate at least in terms of its legal form from the system operators in whose systems that infrastructure will be built;
- (d) charges must be levied on users of that infrastructure; and
- (e) the exemption must not be detrimental to competition **in the relevant markets which are likely to be affected by the investment**, the effective functioning of the internal market in natural gas, the efficient functioning of the **concerned** regulated **systems**."

Or. en

(<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:211:0094:0136:it:PDF>)

## Amendment 88

Rosa D'Amato, Dario Tamburrano

### Proposal for a directive

Article 1 – paragraph 1 – point 5 – point a

Directive 2009/73/EC  
Article 36 – paragraph 3 – second sentence

*Text proposed by the Commission*

*Amendment*

**(a) in paragraph 3, the following second sentence is added:**

**deleted**

***"Where the infrastructure in question is under the jurisdiction of a Member State and one (or more) third countries, the national regulatory authority shall consult the relevant authorities of the third countries prior to adopting a decision.";***

Or. it

**Amendment 89**  
**Aldo Patriciello**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 5 – point a**  
Directive 2009/73/EC  
Article 36 – paragraph 3 – second sentence

*Text proposed by the Commission*

*Amendment*

**(a) in paragraph 3, the following second sentence is added:**

**(a) in paragraph 3, the following subparagraphs are added:**

***"Where the infrastructure in question is under the jurisdiction of a Member State and one (or more) third countries, the national regulatory authority shall consult the relevant authorities of the third countries prior to adopting a decision.";***

***"For interconnectors between a Member states and a third country, the following shall apply.***

***The Commission shall examine the decision referred to in paragraph 8 as soon as possible (and with a maximum period of 12 weeks, it shall deliver its opinion. In the absence of an opinion by the Commission, there won't be an objection to the decision of the regulatory authority.***

***The National authority shall, within a***

*period of 12 weeks, adopt its final decision on the exemption request. In adopting its final decision the national regulatory authority shall take utmost account of the Commission's opinion.*

*The regulatory authority's final decision and the Commission's opinion shall be published together. Where the final decision diverges from the Commission's opinion the Member State concerned shall provide and publish together with that decision the reasoning underlying such decision.*

Or. en

#### *Justification*

*While it is appropriate for the European Commission to be the final arbiter on exemptions for new pipelines within the internal energy market, for import pipelines coming from outside the EU the appropriate authority should be the national authority of that Member State where the import pipeline first interconnects with the Union Network, as this is the import pipeline's only interaction point with the Union network.*

#### **Amendment 90** **Janusz Korwin-Mikke**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 5 – point a**  
Directive 2009/73/EC  
Article 36 – paragraph 3 – second sentence

#### *Text proposed by the Commission*

*Where the infrastructure in question is under the jurisdiction of a Member State and one (or more) third countries, **the national regulatory authority shall consult the relevant authorities of the third countries prior to adopting a decision.***;

#### *Amendment*

***“Prior to adopting the decision the national regulatory authority shall consult::***

***(a) the national regulatory authorities of the Member States whose markets are likely to be affected by the new infrastructure; and***

**(b) the relevant authorities of the third countries, where** the infrastructure in question is under the jurisdiction of a Member State and one (or more) third countries,

Or. en

#### **Amendment 91**

**Zdzisław Krasnodębski, Jadwiga Wiśniewska, Hans-Olaf Henkel, Edward Czesak, Urszula Krupa, Jacek Saryusz-Wolski, Richard Sulík**

#### **Proposal for a directive**

**Article 1 – paragraph 1 – point 5 – point a**

Directive 2009/73/EC

Article 36 – paragraph 3 – second sentence

*Text proposed by the Commission*

***Where*** the infrastructure in question is under ***the*** jurisdiction of a Member State and one (or more) third countries, ***the national regulatory authority shall consult the relevant authorities of the third countries prior to adopting a decision.***;

*Amendment*

***“Prior to adopting the decision the national regulatory authority shall consult:***

***(a) the national regulatory authorities of the Member States whose markets are likely to be affected by the new infrastructure; and***

***(b) the relevant authorities of the third countries, where*** the infrastructure in question is under jurisdiction of a Member State and one (or more) third countries.”

Or. en

#### *Justification*

*That additional requirement would ensure that national regulatory authority of the Member States, whose markets are likely to be affected by the new infrastructure, is be able to present their opinion on the exemption and its conditions as well as the potential influence of the infrastructure on the competition and security of supply of their markets*

**Amendment 92**  
**Neoklis Sylikiotis, Sofia Sakorafa**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 5 – point a**  
Directive 2009/73/EC  
Article 36 – paragraph 3 – second sentence

*Text proposed by the Commission*

Where the infrastructure in question is under the jurisdiction of a Member State and one (or more) third countries, the national regulatory authority *shall* consult the relevant authorities of the third countries prior to adopting a decision.;

*Amendment*

Where the infrastructure in question is under the jurisdiction of a Member State and one (or more) third countries, the national regulatory authority *may* consult the relevant authorities of the third countries prior to adopting a decision.;

Or. en

**Amendment 93**  
**Rosa D'Amato, Dario Tamburrano**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 5 – point b**  
Directive 2009/73/CE  
Article 36 – paragraph 4 – subparagraph 2 – second sentence

*Text proposed by the Commission*

**(b) in the second subparagraph of paragraph 4, the following second sentence is added:**

***“Where the infrastructure in question is also under the jurisdiction of one or more third countries, the national regulatory authorities of the Member States shall consult the relevant authorities of the third countries prior to adopting a decision with a view to ensuring, as regards the concerned infrastructure, that the provisions of this Directive are applied consistently up to the border of Union jurisdiction.”;***

*Amendment*

***deleted***

Or. it

## Amendment 94

Morten Helveg Petersen, Fredrick Federley, Dominique Riquet, Pavel Telička

### Proposal for a directive

#### Article 1 – paragraph 1 – point 5 – point b

Directive 2009/73/EC

Article 36 – paragraph 4 – subparagraph 2 – second sentence

#### *Text proposed by the Commission*

Where the infrastructure in question is also under the jurisdiction of one or more third countries, the national regulatory authorities of the Member States shall consult the relevant authorities of the third countries prior to adopting a decision with a view to ensuring, as regards the concerned infrastructure, that the provisions of this Directive are applied consistently up to the border of Union jurisdiction.;

#### *Amendment*

Where the infrastructure in question is also under the jurisdiction of one or more third countries, the national regulatory authorities of the Member States shall, ***after receiving the approval of the Commission***, consult the relevant authorities of the third countries prior to adopting a decision with a view to ensuring, as regards the concerned infrastructure, that the provisions of this Directive are applied consistently up to the border of Union jurisdiction.;

Or. en

## Amendment 95

Neoklis Sylikiotis, Sofia Sakorafa

### Proposal for a directive

#### Article 1 – paragraph 1 – point 5 – point b

Directive 2009/73/EC

Article 36 – paragraph 4 – subparagraph 2 – second sentence

#### *Text proposed by the Commission*

Where the infrastructure in question is also under the jurisdiction of one or more third countries, the national regulatory authorities of the Member States ***shall*** consult the relevant authorities of the third countries prior to adopting a decision with a view to ensuring, as regards the concerned infrastructure, that the provisions of this Directive are applied consistently up to the border of Union

#### *Amendment*

Where the infrastructure in question is also under the jurisdiction of one or more third countries, the national regulatory authorities of the Member States ***may*** consult the relevant authorities of the third countries prior to adopting a decision with a view to ensuring, as regards the concerned infrastructure, that the provisions of this Directive are applied consistently up to the border of Union

jurisdiction.;

jurisdiction.;

Or. en

## **Amendment 96**

**Dan Nica, Patrizia Toia, Zigmantas Balčytis, Miroslav Poche, Răzvan Popa**

### **Proposal for a directive**

**Article 1 – paragraph 1 – point 5 – point b a (new)**

Directive 2009/73/EC

Article 36 – paragraph 4 – subparagraph 2 – third sentence

*Text proposed by the Commission*

*Amendment*

***(ba) In the second subparagraph of paragraph 4, the following third sentence is added:***

***Where the third-country authorities subject to such consultation do not respond to the consultation, the national regulatory authorities concerned may take the necessary decision.***

Or. en

## **Amendment 97**

**Claude Turmes**

on behalf of the Verts/ALE Group

### **Proposal for a directive**

**Article 1 – paragraph 1 – point 5 – point b a (new)**

Directive 2009/73/EC

Article 36 – paragraph 6 – subparagraph 2

*Present text*

*Amendment*

In deciding to grant an exemption, consideration shall be given, on a case-by-case basis, to the need to impose conditions regarding the duration of the exemption and non-discriminatory access to the infrastructure. When deciding on those

***(ba) paragraph 6 subparagraph 2 is replaced by the following:***

***"In deciding to grant an exemption, consideration shall be given, on a case-by-case basis, to the need to impose conditions regarding the duration of the exemption and non-discriminatory access to the infrastructure. When deciding on those***



conditions, account shall, in particular, be taken of the additional capacity to be built or the modification of existing capacity, the time horizon of the project and national circumstances.

conditions, account shall, in particular, be taken of the additional capacity to be built or the modification of existing capacity, the time horizon of the project and national circumstances, ***and the diversification and security of the supply of natural gas to and within the Union or any Member State.***"

Or. en

**Amendment 98**  
**Aldo Patriciello**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 5 – point b a (new)**

Directive 2009/73/EC

Article 36 – paragraph 9 – subparagraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***(ba) In paragraph 9, the following subparagraph is added:***

***"The committee referred to in Article 5(1) of this directive shall assist the commission. The Commission shall adopt its decision in accordance with the examination procedure referred to in Article 5(1) to (4) of Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>1a</sup>. If the committee does not adopt an opinion, the Commission shall not adopt a decision."***

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***<sup>1a</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers***

Or. en

**Amendment 99**  
**Hermann Winkler, Sven Schulze**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 5 – point b a (new)**  
Directive 2009/73/EC  
Article 36 – paragraph 9 – subparagraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

**(ba) In paragraph 9, the following subparagraph is added:**

***“The Commission shall be assisted by the Committee set up pursuant to Article 51(1) of this Directive. The Commission shall adopt its decision in accordance with the procedure pursuant to Article 5 (1) to (4) of Directive 182/2011/EC.”***

Or. de

*Justification*

*Directive 2009/73/EC entered into force before the Treaty of Lisbon. Adjustments are hence necessary with regard to the procedure.*

**Amendment 100**  
**Werner Langen, Markus Pieper**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 6**  
Directive 2009/73/EC  
Article 41 – paragraph 1 – point c

*Text proposed by the Commission*

*Amendment*

**(6) in Article 41 (1), point c) is replaced by the following:**

***deleted***

***“(c) cooperating in regard to cross-border issues with the regulatory authority or authorities of the Member States concerned and with the Agency, as well as, for infrastructure to and from third countries, with the relevant authorities of the third country aiming at, as regards this infrastructure, consistent***

*application of the provisions of this Directive up to the border of Union jurisdiction;"*

Or. de

*Justification*

*The proposal creates new legal uncertainty;*

**Amendment 101**  
**Christian Ehler**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 6**  
Directive 2009/73/EC  
Article 41 – paragraph 1 – point c

*Text proposed by the Commission*

*Amendment*

**(6) in Article 41 (1), point c) is replaced by the following:** *deleted*

**"(c) "(c) cooperating in regard to cross-border issues with the regulatory authority or authorities of the Member States concerned and with the Agency, as well as, for infrastructure to and from third countries, with the relevant authorities of the third country aiming at, as regards this infrastructure, consistent application of the provisions of this Directive up to the border of Union jurisdiction;"**

Or. de

*Justification*

*The proposal creates new legal uncertainty;*

**Amendment 102**  
**Neoklis Sylikiotis, Sofia Sakorafa**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 6**  
Directive 2009/73/EC  
Article 41 – paragraph 1 – point c

*Text proposed by the Commission*

(c) cooperating in regard to cross-border issues with the regulatory authority or authorities of the Member States concerned ***and with the Agency***, as well as, for infrastructure ***to and from*** third countries, ***with the relevant authorities of the third country*** aiming at, as regards this infrastructure, consistent application of the provisions of this Directive up to the border of Union jurisdiction;

*Amendment*

(c) cooperating in regard to cross-border issues with the regulatory authority or authorities of the Member States concerned, as well as, for infrastructure from third countries, aiming at, as regards this infrastructure, consistent application of the provisions of this Directive up to the border of Union jurisdiction; ***No obligations for consultation or cooperation with the relevant authorities of a third country shall arise for offshore interconnectors that only cross or span the jurisdiction of a third country.***

Or. en

**Amendment 103**  
**Werner Langen**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 7**  
Directive 2009/73/EC  
Article 42 – paragraph 6

*Text proposed by the Commission*

(6) ***in Article 42, the following paragraph 6 is added:***

***"6. Regulatory authorities shall consult and cooperate with the relevant authorities of third countries in relation to the operation of gas pipelines to and from third countries with a view to ensuring, as regards the concerned infrastructure, that the provisions of this Directive are applied consistently up to the border of Union jurisdiction."***

*Amendment*

***deleted***

Or. de

*Justification*

*The proposal creates new legal uncertainty;*

**Amendment 104**

**Christian Ehler**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 7**

Directive 2009/73/EC

Article 42 – paragraph 6

*Text proposed by the Commission*

*Amendment*

**(6) in Article 42, the following paragraph 6 is added:** **deleted**

**"6. "6. Regulatory authorities shall consult and cooperate with the relevant authorities of third countries in relation to the operation of gas pipelines to and from third countries with a view to ensuring, as regards the concerned infrastructure, that the provisions of this Directive are applied consistently up to the border of Union jurisdiction."**

Or. de

*Justification*

*The proposal creates new legal uncertainty;*

**Amendment 105**

**Neoklis Sylikiotis, Sofia Sakorafa**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 7**

Directive 2009/73/EC

Article 42 – paragraph 6

*Text proposed by the Commission*

*Amendment*

**6. Regulatory authorities shall consult and cooperate with the relevant authorities**

**6. Regulatory authorities shall *endeavour to* consult and cooperate with**

of third countries in relation to the operation of gas pipelines *to and* from third countries with a view to ensuring, as regards the concerned infrastructure, that the provisions of this Directive are applied consistently up to the border of Union jurisdiction.

the relevant authorities of third countries in relation to the operation of gas pipelines from third countries with a view to ensuring, as regards the concerned infrastructure, that the provisions of this Directive are applied consistently up to the border of Union jurisdiction. *No obligations for consultation or cooperation with the relevant authorities of a third shall arise for offshore interconnectors that cross or span the jurisdiction of a third country.*

Or. en

### **Amendment 106**

**Rosa D'Amato, Dario Tamburrano**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 8**

Directive 2009/73/EC

Article 49 – paragraph 9

*Text proposed by the Commission*

*Amendment*

*(7) in Article 49, the following paragraph 9 is added:*

*deleted*

*"In respect of gas pipelines to and from third countries completed before [PO: date of entry into force of this Directive], Member States may decide to derogate from Articles 9, 10, 11 and 32 and Article 41(6), (8) and (10) for the sections of such pipelines between the border of Union jurisdiction and the first interconnection point, provided that the derogation would not be detrimental to competition on or the effective functioning of the internal market in natural gas in the Union, or the security of supply in the Union.*

*The derogation shall be limited in time and may be subject to conditions which contribute to the achievement of the above conditions.*

*Where the gas pipeline in question is located in the jurisdiction of more than*

*one Member State, the Member State in the jurisdiction of which the first interconnection point is located shall decide on a derogation for the pipeline.*

*Member States shall publish any decision on a derogation in accordance with this paragraph within one year after the entry into force of this Directive."*

Or. it

**Amendment 107**  
**Massimiliano Salini**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 8**  
Directive 2009/73/EC  
Article 49 – paragraph 9

*Text proposed by the Commission*

*Amendment*

*(7) in Article 49, the following paragraph 9 is added:* *deleted*

*'In respect of gas pipelines to and from third countries completed before [PO: date of entry into force of this Directive], Member States may decide to derogate from Articles 9, 10, 11 and 32 and Article 41(6), (8) and (10) for the sections of such pipelines between the border of Union jurisdiction and the first interconnection point, provided that the derogation would not be detrimental to competition on or the effective functioning of the internal market in natural gas in the Union, or the security of supply in the Union.*

*The derogation shall be limited in time and may be subject to conditions which contribute to the achievement of the above conditions.*

*Where the gas pipeline in question is located in the jurisdiction of more than one Member State, the Member State in the jurisdiction of which the first interconnection point is located shall decide on a derogation for the pipeline.*

*Member States shall publish any decision on a derogation in accordance with this paragraph within one year after the entry into force of this Directive.'*

Or. en

**Amendment 108**  
**Patrizia Toia**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 8**  
Directive 2009/73/EC  
Article 49 – paragraph 9

*Text proposed by the Commission*

*Amendment*

**(7) in Article 49, the following paragraph 9 is added:** **deleted**

*In respect of gas pipelines to and from third countries completed before [PO: date of entry into force of this Directive], Member States may decide to derogate from Articles 9, 10, 11 and 32 and Article 41(6), (8) and (10) for the sections of such pipelines between the border of Union jurisdiction and the first interconnection point, provided that the derogation would not be detrimental to competition on or the effective functioning of the internal market in natural gas in the Union, or the security of supply in the Union.*

*The derogation shall be limited in time and may be subject to conditions which contribute to the achievement of the above conditions.*

*Where the gas pipeline in question is located in the jurisdiction of more than one Member State, the Member State in the jurisdiction of which the first interconnection point is located shall decide on a derogation for the pipeline.*

*Member States shall publish any decision on a derogation in accordance with this paragraph within one year after the entry*



*into force of this Directive.’*

Or. en

## **Amendment 109**

**Claude Turmes**

on behalf of the Verts/ALE Group

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 8**

Directive 2009/73/EC

Article 49 – paragraph 9 – subparagraph 1

#### *Text proposed by the Commission*

In respect of gas pipelines to and from third countries completed before [PO: date of entry into force of this Directive], Member States may decide to derogate from Articles 9, 10, 11 and 32 and Article 41(6), (8) and (10) for the sections of such pipelines between the border of Union jurisdiction and the first interconnection point, provided that the derogation would not be detrimental to competition on or the effective functioning of the internal market in natural gas in the Union, or the security of supply in the Union.

#### *Amendment*

In respect of gas pipelines to and from third countries completed before [PO: date of entry into force of this Directive], Member States, ***after the positive opinion from the Commission***, may decide to derogate from Articles 9, 10, 11 and 32 and Article 41(6), (8) and (10) for the sections of such pipelines between the border of Union jurisdiction and the first interconnection point, provided that the derogation would not be detrimental to competition on or the effective functioning of the internal market in natural gas in the Union, or the security of supply in the Union. ***Any such draft derogation shall be notified to the Commission without delay, together with all the relevant information in regard thereto, and with a detailed analysis of the effect of the derogation and the gas pipeline on the internal market in natural gas and the security of supply in the Union. Within three months of the date of such notification, the Commission shall issue an opinion on the compliance of the derogation with applicable rules on competition, effective market functioning, security of supply in the Union and with the relevant Union energy policy principles and core objectives, including those of the Energy Union. No derogation shall be given if the Commission’s opinion states that the***

*derogation is not in compliance with applicable rules on competition, effective market functioning, security of supply in the Union and with the relevant Union energy policy principles and core objectives, including those of the Energy Union. In no event shall a derogation be given before the issuance of the opinion by the Commission or until the expiration of the three-month time limit for issuing the opinion.”*

Or. en

### *Justification*

*[The reference in the header relating to the amending act (“Article 1 – paragraph 1 – point 8”) corresponds to “Article 1 – paragraph 1 – point 7” of the Commission’s Proposal. This discrepancy is caused by the incorrect numbering (Article 1, paragraph 1, point 3 is duplicated) in the Commission’s proposal in all the language versions except for Hungarian.]*

### **Amendment 110**

**Zdzisław Krasnodebski, Jadwiga Wiśniewska, Edward Czesak, Urszula Krupa, Jacek Saryusz-Wolski**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 8**

Directive 2009/73/EC

Article 49 – paragraph 9 – subparagraph 1

#### *Text proposed by the Commission*

In respect of gas pipelines to and from third countries completed before [PO: date of *entry into force* of this *Directive*], Member *States may decide to derogate* from Articles 9, **10, 11 and 32** and Article 41(6), (8) and (10) for the sections of such pipelines between the border of Union jurisdiction and the first interconnection point, provided that the derogation would not be detrimental to competition on or the effective functioning of the internal market in natural gas in the Union, or the security of supply in the Union.

#### *Amendment*

In respect of gas pipelines to and from third countries completed before [PO: date of *adoption* of this *proposal*], *the competent authority of the Member State may apply to the Commission for a temporary derogation* from Articles 9, 32 and Article 41(6), (8) and (10) for the sections of such pipelines between the border of Union jurisdiction and the first interconnection point, provided that *the third country is not subject to any EU restrictive measures, such as economic sanctions and* the derogation would not be detrimental to competition on or the

effective functioning of the internal market in natural gas in the Union, or the security of supply in the Union. ***Within a period of three months from the day following the receipt of an application, the Commission shall take a decision on whether to grant a derogation in accordance with the above conditions, as well as with the core objectives of the Energy Union. That three-month period may be extended by additional three months where further information is sought by the Commission.***

Or. en

### *Justification*

*Transmission system operators' obligation to obtain a certificate, as stated in Articles 10 and 11, is crucial to the effective application of Gas Directive and shall not be subject to derogation for transmission system operators from third countries. That aims at ensuring their independence from the supplier and/or the infrastructure owner in the third country. Any derogation under Article 49, par. 9 shall be subject to decision by the Commission.*

## **Amendment 111**

**Paul Rübzig**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 8**

Directive 2009/73/EC

Article 49 – paragraph 9 – subparagraph 1

#### *Text proposed by the Commission*

In respect of gas pipelines to and from third countries completed before [PO: date of entry into force of this Directive], Member States may decide to derogate from Articles 9, 10, 11 and 32 and Article 41(6), (8) and (10) for the sections of such pipelines between the border of Union jurisdiction and the first interconnection point, provided that the derogation would not be detrimental to competition on or the effective functioning of the internal market in natural gas in the Union, or the security of supply in the Union.

#### *Amendment*

In respect of gas pipelines to and from third countries completed before [PO: date of entry into force of this Directive] ***or for which on [PO: date of entry into force of this Directive] construction works relating to the investment have started, or the first legally binding commitment to order equipment for the construction of the pipeline has been made***, Member States may decide to derogate from Articles 9, 10, 11 and 32 and Article 41(6), (8) and (10) for the sections of such pipelines between the border of Union jurisdiction and the

first *physical* interconnection point, provided that the derogation would not be detrimental to competition on or the effective functioning of the internal market in natural gas in the Union, or the security of supply in the Union.

Or. en

#### *Justification*

*The suggested wording would provide the flexibility necessary to take into account legitimate expectations of infrastructure operators that have already made investments under the old regime.*

#### **Amendment 112** **Christian Ehler**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 8**  
Directive 2009/73/EC  
Article 49 – paragraph 9 – subparagraph 1

#### *Text proposed by the Commission*

In respect of gas pipelines to and from third countries completed before [PO: date of entry into force of this Directive], Member States may decide to derogate from Articles 9, 10, 11 and 32 and Article 41(6), (8) and (10) for the sections of such pipelines between the border of Union jurisdiction and the first interconnection point, *provided that the derogation would not be detrimental to competition on or the effective functioning of the internal market in natural gas in the Union, or the security of supply in the Union.*

#### *Amendment*

"In respect of gas pipelines to and from third countries completed before [PO: date of entry into force of this Directive], Member States may decide to derogate from Articles 9, 10, 11 and 32 and Article 41(6), (8) and (10) for the sections of such pipelines between the border of Union jurisdiction and the first interconnection point.

Or. de

#### **Amendment 113** **Werner Langen**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 8**  
Directive 2009/73/EC  
Article 49 – paragraph 9 – subparagraph 1

*Text proposed by the Commission*

In respect of gas pipelines to and from third countries completed before [PO: date of entry into force of this Directive], Member States may decide to derogate from Articles 9, 10, 11 and 32 and Article 41(6), (8) and (10) for the sections of such pipelines between the border of Union jurisdiction and the first interconnection point, ***provided that the derogation would not be detrimental to competition on or the effective functioning of the internal market in natural gas in the Union, or the security of supply in the Union.***

*Amendment*

In respect of gas pipelines to and from third countries completed before [PO: date of entry into force of this Directive], Member States may decide to derogate from Articles 9, 10, 11 and 32 and Article 41(6), (8) and (10) for the sections of such pipelines between the border of Union jurisdiction and the first interconnection point.

Or. de

**Amendment 114**  
**Hermann Winkler, Sven Schulze**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 8**  
Directive 2009/73/EC  
Article 49 – paragraph 9 – subparagraph 1

*Text proposed by the Commission*

In respect of gas pipelines to and from third countries completed before [PO: date of entry into force of this Directive], Member States may decide to derogate from Articles 9, 10, 11 and 32 and Article 41(6), (8) and (10) for the sections of such pipelines between the border of Union jurisdiction and the first interconnection point, provided that the derogation would not be detrimental to competition on or the effective functioning of the internal market in natural gas in the Union, or the security of supply in the Union.

*Amendment*

In respect of gas pipelines to and from third countries completed before [PO: date of entry into force of this Directive] ***or of those the planning or construction of which has already begun and for which significant investments have already been made***, Member States may decide to derogate from Articles 9, 10, 11 and 32 and Article 41(6), (8) and (10) for the sections of such pipelines between the border of Union jurisdiction and the first interconnection point, provided that the derogation would not be detrimental to competition on or the effective functioning

of the internal market in natural gas in the Union, or the security of supply in the Union.

Or. de

### **Amendment 115**

**Gunnar Hökmark, Bendt Bendtsen, Henna Virkkunen**

#### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 8**

Directive 2009/73/EC

Article 49 – paragraph 9 – subparagraph 1

#### *Text proposed by the Commission*

In respect of gas pipelines to and from third countries completed before [PO: date of entry into force of this Directive], Member States may decide to derogate from Articles 9, 10, 11 and 32 and Article 41(6), (8) and (10) for the sections of such pipelines between the border of Union jurisdiction and the first interconnection point, provided that the derogation would not be detrimental to competition on or the effective functioning of the internal market in natural gas in the Union, or the security of supply in the Union.

#### *Amendment*

In respect of gas pipelines to and from third countries completed before [PO: date of entry into force of this Directive], Member States may decide to derogate from Articles 9, 10, 11 and 32 and Article 41(6), (8) and (10) for the sections of such pipelines between the border of Union jurisdiction and the first interconnection point, provided that the derogation would not be detrimental to competition on or the effective functioning of the internal market in natural gas in the Union, or the security of supply in the Union. ***Any such decision shall be taken only following consultations with the Commission.***

Or. en

### **Amendment 116**

**Morten Helveg Petersen, Dominique Riquet, Fredrick Federley, Pavel Telička**

#### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 8**

Directive 2009/73/EC

Article 49 – paragraph 9 – subparagraph 1

#### *Text proposed by the Commission*

In respect of gas pipelines to and from

#### *Amendment*

In respect of gas pipelines to and from

third countries completed before [PO: date of entry into force of this Directive], Member States may decide to derogate from Articles 9, 10, 11 and 32 and Article 41(6), (8) and (10) for the sections of such pipelines between the border of Union jurisdiction and the first interconnection point, provided that the derogation would not be detrimental to competition on or the effective functioning of the internal market in natural gas in the Union, or the security of supply in the Union.

third countries completed before [PO: date of entry into force of this Directive], Member States may decide to derogate from Articles 9, 10, 11 and 32 and Article 41(6), (8) and (10) for the sections of such pipelines between the border of Union jurisdiction and the first interconnection point, provided that the derogation would not be detrimental to competition on or the effective functioning of the internal market in natural gas in the Union, or the security of supply in the Union. ***Any such derogation shall be approved by the Commission.***

Or. en

## **Amendment 117**

### **Pilar del Castillo Vera**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 8**

Directive 2009/73/EC

Article 49 – paragraph 9 – subparagraph 1

#### *Text proposed by the Commission*

In respect of gas pipelines to and from third countries completed before [PO: date of entry into force of this Directive], Member States may decide to derogate from Articles 9, 10, 11 and 32 and Article 41(6), (8) and (10) for the sections of such pipelines between the border of Union jurisdiction and the first interconnection point, provided that the derogation would not ***be detrimental to competition on or*** the effective functioning of the internal market in natural gas in the Union, or the security of supply in the Union.

#### *Amendment*

In respect of gas pipelines to and from third countries completed before [PO: date of entry into force of this Directive], Member States may decide to derogate from Articles 9, 10, 11 and 32 and Article 41(6), (8) and (10) for the sections of such pipelines between the border of Union jurisdiction and the first interconnection point, provided that the derogation would not ***negatively affect in a significant way*** the effective functioning of the internal market in natural gas in the Union, ***competition in the Union*** or the security of supply in the Union.

Or. en

## *Justification*

*To comply with the principles of necessity, subsidiarity and proportionality, the scope of application of this Directive should be limited to those gas pipelines to and from third countries that have a significant impact on the internal market.*

### **Amendment 118**

**Neoklis Sylikiotis, Sofia Sakorafa**

#### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 8**

Directive 2009/73/EC

Article 49 – paragraph 9 – subparagraph 1

#### *Text proposed by the Commission*

In respect of gas pipelines *to and* from third countries completed before [PO: date of entry into force of this Directive], Member States may decide to derogate from Articles 9, 10, 11 and 32 and Article 41(6), (8) and (10) for the sections of such pipelines between the border of Union jurisdiction and the first interconnection point, provided that the derogation would not be detrimental to competition on or the effective functioning of the internal market in natural gas in the Union, or the security of supply in the Union.

#### *Amendment*

In respect of gas pipelines from third countries completed before [PO: date of entry into force of this Directive], Member States may decide to derogate from Articles 9, 10, 11 and 32 and Article 41(6), (8) and (10) for the sections of such pipelines between the border of Union jurisdiction and the first interconnection point, provided that the derogation would not be detrimental to competition on or the effective functioning of the internal market in natural gas in the Union, or the security of supply in the Union.

Or. en

### **Amendment 119**

**Paul Rübzig**

#### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 8**

Directive 2009/73/EC

Article 49 – paragraph 9 – subparagraph 2

#### *Text proposed by the Commission*

*The derogation shall be limited in time and may be subject to conditions which contribute to the achievement of the above*

#### *Amendment*

*deleted*



*conditions.*

Or. en

## **Amendment 120**

**Patrizia Toia**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 8**

Directive 2009/73/EC

Article 49 – paragraph 9 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

*The derogation shall be limited in time and may be subject to conditions which contribute to the achievement of the above conditions.*

*deleted*

Or. en

## **Amendment 121**

**Pilar del Castillo Vera**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 8**

Directive 2009/73/EC

Article 49 – paragraph 9 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

The derogation shall be limited in time and may be subject to conditions which contribute to the achievement of the above conditions.

The derogation shall be limited in time and may be subject to conditions which contribute to the achievement of the above conditions, *without prejudice to its possible renovation to enable the recovery of the investment or if the derogation is still required for reasons of security of supply of the Union or the third countries.*

Or. en

## Amendment 122

Morten Helveg Petersen, Fredrick Federley, Dominique Riquet, Pavel Telička

### Proposal for a directive

#### Article 1 – paragraph 1 – point 8

Directive 2009/73/EC

Article 49 – paragraph 9 – subparagraph 2

#### *Text proposed by the Commission*

The derogation shall be limited in time *and may* be subject to conditions which contribute to the achievement of the above conditions.

#### *Amendment*

The derogation shall be limited in time, *shall cease to apply by ... [PO: 3 years after the date of entry into force of this amending Directive] at the latest and shall* be subject to conditions which contribute to the achievement of the above conditions.

Or. en

## Amendment 123

Zdzisław Krasnodębski, Jadwiga Wiśniewska, Hans-Olaf Henkel, Edward Czesak, Urszula Krupa, Jacek Saryusz-Wolski, Richard Sulík

### Proposal for a directive

#### Article 1 – paragraph 1 – point 8

Directive 2009/73/EC

Article 49 – paragraph 9 – subparagraph 2

#### *Text proposed by the Commission*

The derogation shall be limited in time and may be subject to conditions which contribute to the achievement of the above conditions.

#### *Amendment*

The derogation shall be limited in time and may be subject to conditions which contribute to the achievement of the above conditions. *The derogation may be granted for a period not exceeding 5 years.*

Or. en

## Amendment 124

Christian Ehler

### Proposal for a directive

#### Article 1 – paragraph 1 – point 8

Directive 2009/73/EC  
Article 49 – paragraph 9 – subparagraph 2

*Text proposed by the Commission*

The derogation **shall** be limited in time and may be **subject to conditions which contribute to the achievement of the above conditions**.

*Amendment*

The derogation **may** be limited in time **for a maximum of one year** and may **only** be **extended upon approval by the Member States concerned and after consulting the European Parliament**.

Or. de

*Justification*

*Der Vorschlag ändert die Binnenmarktregulierung für Gas vollständig, in dem er die bisherige erfolgreiche EU-Regulierung auf Drittstaaten ausdehnt, bisherige Kompetenzen der Mitgliedsstaaten nach Art. 194 (2) auf die EU überträgt und das funktionierende System in Frage stellt. Zudem fehlt ein Impact Assessment, vor allem eine rechtliche Bewertung des Vorschlags und eine Auswirkungsstudie in Hinblick auf den steigenden Gasbedarf in der EU und die sinkenden Produktionsmengen in Norwegen, den Niederlanden und in Großbritannien in den nächsten 10 Jahren. Der Vorschlag widerspricht eklatant den Intentionen und Zielen des Winterpakets der EU-Kommission zur Stabilisierung des Energiebinnenmarktes und zur Klimapolitik. Da der zuständige Generaldirektor Borchardt im Industriausschuss am 11.01.2018 unterstrich, dass die Infrastrukturmaßnahmen und der Betrieb von Pipelines von der Richtlinie nicht betroffen sind, ist die Richtlinie auch in Hinblick auf Nordstream II überflüssig.*

## **Amendment 125** **Werner Langen**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 8**  
Directive 2009/73/EC  
Article 49 – paragraph 9 – subparagraph 2

*Text proposed by the Commission*

The derogation **shall** be limited in time and may be **subject to conditions which contribute to the achievement of the above conditions**.

*Amendment*

The derogation **may** be limited in time **for a maximum of one year** and may **only** be **extended upon approval by the Member States concerned and after consulting the European Parliament**.

Or. de

## Justification

*Begründung: Der Vorschlag ändert die Binnenmarktregulierung für Gas vollständig, in dem er die bisherige erfolgreiche EU-Regulierung auf Drittstaaten ausdehnt, bisherige Kompetenzen der Mitgliedsstaaten nach Art. 194 (2) auf die EU überträgt und das funktionierende System in Frage stellt. Zudem fehlt ein Impact Assessment, vor allem eine rechtliche Bewertung des Vorschlags und eine Auswirkungsstudie in Hinblick auf den steigenden Gasbedarf in der EU und die sinkenden Produktionsmengen in Norwegen, den Niederlanden und in Großbritannien in den nächsten 10 Jahren. Der Vorschlag widerspricht eklatant den Intentionen und Zielen des Winterpakets der EU-Kommission zur Stabilisierung des Energiebinnenmarktes und zur Klimapolitik. Da der zuständige Generaldirektor Borchardt im Industrieausschuss am 11.01.2018 unterstrich, dass die Infrastrukturmaßnahmen und der Betrieb von Pipelines von der Richtlinie nicht betroffen sind, ist die Richtlinie auch in Hinblick auf Nordstream II überflüssig.*

### **Amendment 126**

**Claude Turmes**

on behalf of the Verts/ALE Group

#### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 8**

Directive 2009/73/EC

Article 49 – paragraph 9 – subparagraph 3

#### *Text proposed by the Commission*

Where the gas pipeline in question is located in the jurisdiction of more than one Member State, the Member State in the jurisdiction of which the first interconnection point is located shall decide on a derogation for the pipeline.

#### *Amendment*

Where the gas pipeline in question is located in the jurisdiction of more than one Member State, the Member State in the jurisdiction of which the first interconnection point is located shall decide on a derogation for the pipeline. ***Prior to granting such a derogation, the Member State in the jurisdiction of which the first interconnection point is located shall consult the Member States with which this Member State's infrastructure is connected, providing these Member States with all relevant information, and shall take the opinion of these Member States into account.***

Or. en

## *Justification*

*[The reference in the header relating to the amending act (“Article 1 – paragraph 1 – point 8”) corresponds to “Article 1 – paragraph 1 – point 7” of the Commission’s Proposal. This discrepancy is caused by the incorrect numbering (Article 1, paragraph 1, point 3 is duplicated) in the Commission’s proposal in all the language versions except for Hungarian.]*

### **Amendment 127**

**Zdzisław Krasnodębski, Jadwiga Wiśniewska, Hans-Olaf Henkel, Edward Czesak, Urszula Krupa, Jacek Saryusz-Wolski, Richard Sulík**

#### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 8**

Directive 2009/73/EC

Article 49 – paragraph 9 – subparagraph 3

#### *Text proposed by the Commission*

Where the gas pipeline in question is located in the jurisdiction of more than one Member State, the Member State in the jurisdiction of which the first interconnection point is located *shall decide on a* derogation for the pipeline.

#### *Amendment*

Where the gas pipeline in question is located in the jurisdiction of more than one Member State, the Member State in the jurisdiction of which the first interconnection point is located *may apply to the Commission for a temporary* derogation for the pipeline.

Or. en

### **Amendment 128**

**Paul Rübzig**

#### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 8**

Directive 2009/73/EC

Article 49 – paragraph 9 – subparagraph 3

#### *Text proposed by the Commission*

Where the gas pipeline in question is located in the jurisdiction of more than one Member State, the Member State in the jurisdiction of which the first interconnection point is located shall decide on a derogation for the pipeline.

#### *Amendment*

Where the gas pipeline in question is located in the jurisdiction of more than one Member State, the Member State in the jurisdiction of which the first *physical* interconnection point is located shall decide on a derogation for the pipeline.

**Amendment 129**

**Zdzisław Krasnodębski, Jadwiga Wiśniewska, Edward Czesak, Urszula Krupa, Jacek Saryusz-Wolski**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 8**

Directive 2009/73/EC

Article 49 – paragraph 9 – subparagraph 4

*Text proposed by the Commission*

*Amendment*

*Member States shall publish any decision on a derogation in accordance with this paragraph within one year after the entry into force of this Directive.*

*deleted*

Or. en

**Amendment 130**

**Claude Turmes**

on behalf of the Verts/ALE Group

**Proposal for a directive**

**Article 1 – paragraph 1 – point 8 a (new)**

Directive 2009/73/EC

Article 49 – paragraph 9 a (new)

*Text proposed by the Commission*

*Amendment*

*(8a) in Article 49, the following paragraph 9a is added:*

*“9a. The derogation referred to in paragraph 9 shall not be granted if a gas pipeline connecting a Member State with a third country outside of the European Economic Area is or will be connected to at least one gas supply contract with a duration of more than one year, concluded or modified after ... [date of entry into force of this amending Directive], that individually or cumulatively with contracts with the same supplier or its affiliates is equivalent to 28*

***% or more of yearly gas consumption in the Member State where the infrastructure is located to be calculated on the basis of the most recent available data.”***

Or. en

*Justification*

*[The reference in the header relating to the amending act (“Article 1 – paragraph 1 – point 8 a (new)”) corresponds to “Article 1 – paragraph 1 – point 7 a (new)” of the Commission’s Proposal. This discrepancy is caused by the incorrect numbering (Article 1, paragraph 1, point 3 is duplicated) in the Commission’s proposal in all the language versions except for Hungarian.]*

**Amendment 131**

**Paul Rübzig**

**Proposal for a directive**

**Article 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 1a***

***The rules established by this Directive shall come into force subject to a positive opinion of the Regulatory Scrutiny Board on an impact assessment in accordance with the Better Regulation Guidelines of the European Commission [SWD (2017)350].***

Or. en

*Justification*

*The proposed changes to the Gas Directive have been presented without supporting “stakeholder consultations”, “impact assessments” or “regulatory fitness check” that the “Better Regulation” Guidelines require. As the “Better Regulation” guidelines of the European Commission lay down, impact assessments shall be carried out in relation to Commission initiatives that are likely to have significant economic, social or environmental impacts ([https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law/impact-assessments\\_en](https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law/impact-assessments_en)).*

## Amendment 132

Martina Werner, Gabriele Preuß, Eva Kaili, Peter Kouroumbashev

### Proposal for a directive

#### Article 2

*Text proposed by the Commission*

*Amendment*

#### *Article 2*

*deleted*

*1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [PO: one year after the date of entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions.*

*When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.*

*2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.*

Or. en

## Amendment 133

Gunnar Hökmark, Bendt Bendtsen, Henna Virkkunen

### Proposal for a directive

#### Article 2 – paragraph 1 – subparagraph 1

*Text proposed by the Commission*

*Amendment*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [PO: **one year** after the date of

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [PO: **three months** after the



entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

date of entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

Or. en

#### **Amendment 134**

**Zdzisław Krasnodębski, Jadwiga Wiśniewska, Hans-Olaf Henkel, Edward Czesak, Urszula Krupa, Jacek Saryusz-Wolski, Richard Sulík**

#### **Proposal for a directive**

#### **Article 2 – paragraph 1 – subparagraph 1**

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

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [PO: **one year** after the date of entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

##### *Amendment*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [PO: **three months** after the date of entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

Or. en

#### **Amendment 135**

**Werner Langen**

#### **Proposal for a directive**

#### **Article 2 – paragraph 1 – subparagraph 1**

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

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [PO: **one year** after the date of entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

##### *Amendment*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [PO: **two years** after the date of entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

Or. xm

**Amendment 136**  
**Christian Ehler**

**Proposal for a directive**  
**Article 2 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [PO: **one year** after the date of entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

*Amendment*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [PO: **two years** after the date of entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

Or. xm

**Amendment 137**  
**Werner Langen, Markus Pieper**

**Proposal for a directive**  
**Article 2 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Two years after the entry into force, the Commission shall submit a report on the effects of this Directive following a consultation of the Member States and on the basis of a comprehensive market analysis.**

Or. de

**Amendment 138**  
**Christian Ehler**

**Proposal for a directive**  
**Article 2 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Two years after the entry into force, the Commission shall submit a report on the effects of this Directive**

*following a consultation of the Member States and on the basis of a comprehensive market analysis.*

Or. de

**Amendment 139**  
**Algirdas Saudargas**

**Proposal for a directive**  
**Article 2 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. Any derogation and exemption provided by this Directive to the new and existing infrastructure shall not exceed 10 years and shall be subject to the approval by the Commission.***

Or. en

*Justification*

*Commission supervision is needed in order to ensure that derogations and exemptions provided by this directive would not be detrimental to the competition, the effective functioning of the internal market in natural gas and the security of supply in the Union. This Directive should also establish a clear maximum duration for such exemptions and derogations, otherwise some new or existing infrastructure may obtain unreasonably long exemptions which is not in line with the aim of the directive.*

**Amendment 140**  
**Morten Helveg Petersen, Fredrick Federley, Dominique Riquet, Pavel Telička**

**Proposal for a directive**  
**Article 2 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. Any derogations from the application of the main provisions of this Directive shall be limited to three years and shall be subject to approval by the Commission.***

**Amendment 141**  
**Christian Ehler**

**Proposal for a directive**  
**Article 3 – paragraph 1**

*Text proposed by the Commission*

This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

*Amendment*

This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. ***Prior to its publication and entry into force, the Commission shall submit a comprehensive Impact Assessment.***

Or. de

**Amendment 142**  
**Werner Langen**

**Proposal for a directive**  
**Article 3 – paragraph 1**

*Text proposed by the Commission*

This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

*Amendment*

This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. ***Prior to its publication and entry into force, the Commission shall submit a comprehensive Impact Assessment.***

Or. de