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Committee on Economic and Monetary Affairs

2009/0108(COD)

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AMENDMENTS

9 - 75

Draft opinion
Nikolaos Chountis
(PE430.714v01-00)

on the proposal for a Regulation of the European Parliament and of the Council
concerning measures to safeguard security of gas supply and repealing
Directive 2004/67/EC

Proposal for a regulation
(COM(2009)0363 – C7-0097/2009 – 2009/0108(COD))

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United in diversity

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Amendment 9
Dirk Sterckx

Proposal for a regulation
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) For the long term sustainability of the EU gas market it is essential that measures taken to safeguard the security of gas supply do not unduly distort competition or the effective functioning of the internal market.

Or. en

Amendment 10
Dirk Sterckx

Proposal for a regulation
Recital 22

Text proposed by the Commission

Amendment

(22) In order to ensure the highest level of preparedness in case of supply disruption, Emergency Plans should be established by all natural gas undertakings together with the Competent Authorities. Such plans should be mutually consistent. Their content should follow best practices among existing plans and should define clear roles and responsibilities for all concerned natural gas undertakings and Competent Authorities. Joint ***emergency*** plans at regional level, ***should be established where possible and necessary.***

(22) In order to ensure the highest level of preparedness in case of supply disruption, Emergency Plans should be established by all natural gas undertakings together with the Competent Authorities. Such plans should be mutually consistent. Their content should follow best practices among existing plans and should define clear roles and responsibilities for all concerned natural gas undertakings and Competent Authorities. ***Member States should also establish joint plans at regional level, instead of or in addition to separate national plans.***

Or. en

Amendment 11
Nikolaos Chountis

Proposal for a regulation
Recital 22

Text proposed by the Commission

(22) In order to ensure the highest level of preparedness in case of supply disruption, Emergency Plans should be established by all natural gas undertakings ***together with*** the Competent Authorities. Such plans should be mutually consistent. Their content should follow best practices among existing plans and should define clear roles and responsibilities for all concerned natural gas undertakings and Competent Authorities. Joint emergency plans at regional level, should be established where possible and necessary.

Amendment

(22) In order to ensure the highest level of preparedness in case of supply disruption, Emergency Plans should be established by ***the Competent Authorities after consulting*** all natural gas undertakings. Such plans should be mutually consistent. Their content should follow best practices among existing plans and should define clear roles and responsibilities for all concerned natural gas undertakings and Competent Authorities. Joint emergency plans at regional level, should be established where possible and necessary.

Or. en

Amendment 12
Dirk Sterckx

Proposal for a regulation
Recital 23

Text proposed by the Commission

(23) To strengthen the solidarity between Member States in the case of a Community Emergency and in particular to support Member States which are exposed to less favourable geographical or geological conditions, Member States should devise specific measures to exercise solidarity, including measures such as commercial agreements between natural gas undertakings, compensation mechanisms, increased gas exports or increased releases from storages. Solidarity measures ***may be particularly appropriate*** between Member States ***for*** which ***the Commission***

Amendment

(23) To strengthen the solidarity between Member States in the case of a Community Emergency and in particular to support Member States which are exposed to less favourable geographical or geological conditions, Member States should devise specific measures to exercise solidarity, including measures such as commercial agreements between natural gas undertakings, compensation mechanisms, increased gas exports or increased releases from storages. Solidarity measures ***should at least be implemented*** between Member States which ***are participating in*** regional

recommends the establishment of joint preventive actions plans or emergency plans at regional level.

cooperation structures.

Or. nl

Amendment 13

Danuta Jazłowiecka, Danuta Maria Hübner, Sławomir Witold Nitras, Theodor Dumitru Stolojan, Enikő Győri

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) To strengthen the solidarity between Member States in the case of a *Community* Emergency and in particular to support Member States which are exposed to less favourable geographical or geological conditions, Member States should devise specific measures to exercise solidarity, including measures such as commercial agreements between natural gas undertakings, compensation mechanisms, increased gas exports or increased releases from storages. Solidarity measures may be particularly appropriate between Member States for which the Commission recommends the establishment of joint preventive actions plans or emergency plans at regional level.

Amendment

(23) To strengthen the solidarity between Member States in the case of a *Union* Emergency and in particular to support Member States which are exposed to less favourable geographical or geological conditions, Member States should devise specific measures to exercise solidarity, ***as provided for in the Treaty on the Functioning of the European Union***, including measures such as commercial agreements between natural gas undertakings, compensation mechanisms, increased gas exports or increased releases from storages. Solidarity measures may be particularly appropriate between Member States for which the Commission recommends the establishment of joint preventive actions plans or emergency plans at regional level.

Or. en

Justification

On December 1st the Lisbon Treaty has entered into force and the EU is now operating on a new legal basis. Therefore it is necessary to recall that the article 176 A of the Lisbon Treaty states: "Union policy on energy shall aim, in the spirit of solidarity between Member States, to ensure security of energy supply in the Union".

Amendment 14
George Sabin Cutaş

Proposal for a regulation
Recital 31 a (new)

Text proposed by the Commission

Amendment

(31a) The institutions of the European Union should give particular priority to the Nabucco gas pipeline project.

Or. en

Amendment 15
Theodor Dumitru Stolojan, Danuta Maria Hübner, Sławomir Witold Nitras, Danuta Jazłowiecka, Enikő Győri

Proposal for a regulation
Article 1

Text proposed by the Commission

Amendment

This Regulation establishes measures aimed at safeguarding the security of gas supply so as to ensure the proper and continuous functioning of the internal market for gas by providing for a clear definition and attribution of responsibilities and for a coordination of the response at the level of the Member States and the *Community* regarding both preventive action and the reaction to concrete disruptions of supply.

This Regulation establishes measures aimed at safeguarding the security of gas supply so as to ensure the proper and continuous functioning of the internal market for gas, ***and setting up exceptional measures to be implemented where the market cannot deliver the required gas supply***, by providing for a clear definition and attribution of responsibilities and for a coordination of the response at the level of the Member States and the *Union* regarding both preventive action and the reaction to concrete disruptions of supply ***in a spirit of solidarity between the Member States.***

Or. en

Justification

On December 1st the Lisbon Treaty has entered into force and the EU is now operating on a new legal basis. Therefore it is necessary to recall that the article 176 A of the Lisbon Treaty

states: "Union policy on energy shall aim, in the spirit of solidarity between member States, to ensure security of energy supply in the Union".

Amendment 16

Markus Ferber

Proposal for a regulation

Article 1

Text proposed by the Commission

This Regulation establishes measures aimed at safeguarding the security of gas supply so as to ensure the proper and continuous functioning of the internal market for gas *by* providing for a clear definition and attribution of responsibilities and for a coordination of the response at the level of the Member States and the *Community* regarding both preventive action and the reaction to concrete disruptions of supply.

Amendment

This Regulation establishes measures aimed at safeguarding the security of gas supply ***based on the principle of geographical diversification of gas supply to the European Union, through an efficient gas transportation system composed of a complex network of pipelines***, so as to ensure the proper and continuous functioning of the internal market for gas, ***and*** providing for a clear definition and attribution of responsibilities and for a coordination of the response at the level of the Member States and the *Union* regarding both preventive action and the reaction to concrete disruptions of supply.

Or. en

Justification

In order to secure uninterrupted supply of natural gas to all the Member States of the European Union, and decrease their dependence on gas supply from one particular region of the World, it is essential to diversify the geographical origin of gas supplied to the EU, and make sure that gas is transported to the EU via diverse pipelines.

Amendment 17

Ivo Strejček

Proposal for a regulation

Article 1

Text proposed by the Commission

This Regulation establishes measures aimed at safeguarding the security of gas supply so as to ensure the proper and continuous functioning of the internal market for gas **by** providing for a clear definition and attribution of responsibilities and for a coordination of the response at the level of the Member States and the *Community* regarding both preventive action and the reaction to concrete disruptions of supply.

Amendment

This Regulation establishes measures aimed at safeguarding the security of gas supply ***based on the principle of geographical diversification of gas supply to the European Union, through an efficient gas transportation system composed of a complex network of pipelines,*** so as to ensure the proper and continuous functioning of the internal market for gas, ***and*** providing for a clear definition and attribution of responsibilities and for a coordination of the response at the level of the Member States and the *Union* regarding both preventive action and the reaction to concrete disruptions of supply.

Or. en

Justification

In order to secure uninterrupted supply of natural gas to all the Member States of the European Union, and decrease their dependence on gas supply from one particular region of the World, it is essential to diversify the geographical origin of gas supplied to the EU, and make sure that gas is transported to the EU via diverse pipelines.

Amendment 18

Ivo Strejček

Proposal for a regulation

Article 2 – paragraph 1 – point 1

Text proposed by the Commission

(1) "protected customers" ***means all household customers already connected to a gas distribution network, and, if the*** Member State concerned ***so decides, can***

Amendment

(1) "protected customers" ***means the customers, identified by the Member State affected by a gas shortage, which would benefit from priority gas supply taking***

also include small and medium-sized enterprises, schools and hospitals provided that they are already connected to a gas distribution network;

*into account the level of gas reserves in the Member State concerned **and the Union as a whole;***

Or. en

Justification

In the event of gas shortage, the affected Member State is best qualified to define who should be the so-called protected customers. The priority supply of gas to the protected customers has to take into account the level of gas reserves available in that particular Member State, and the Union as a whole.

Amendment 19

Ivo Strejček

Proposal for a regulation

Article 2 – paragraph 1 – point 1

Text proposed by the Commission

(1) "protected customers" means all household customers already connected to a gas distribution network, and, if the Member State concerned so decides, *can* also include small and medium-sized enterprises, schools and hospitals provided that they are already connected to a gas distribution network;

Amendment

(1) "protected customers" means all household customers already connected to a gas distribution network, and, if the Member State concerned so decides, ***after a risk and impact assessment has been carried out by the Member State in accordance with Article 8, taking into account technical feasibility and a cost-benefit analysis,*** may also include small and medium-sized enterprises, schools and hospitals provided that they are already connected to a gas distribution network;

Or. en

Justification

Household consumers," as protected customers, should continue to be supplied during a gas crisis. If a Member States decides to go beyond the household consumers as protected customers, such a decision should, however, be based on a sound impact assessment also evaluating costs and benefits to the market, as such an extended definition may create significant costs to be borne by final customers.

Amendment 20
Markus Ferber

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

Text proposed by the Commission

(1) "protected customers" means all household customers already connected to a gas distribution network, and, if the Member State concerned so decides, *can also* include small and medium-sized enterprises, schools and hospitals provided that they are already connected to a gas distribution network;

Amendment

(1) "protected customers" means all household customers already connected to a gas distribution network, and, if the Member State concerned so decides, ***after a risk and impact assessment has been carried out by the Member State in accordance with Article 8, taking into account technical feasibility and a cost-benefit analysis, may*** include small and medium-sized enterprises, schools and hospitals provided that they are already connected to a gas distribution network;

Or. en

Justification

“Household consumers,” as protected customers, should continue to be supplied during a gas crisis. If a Member States decides to go beyond the household consumers as protected customers, such a decision should, however, be based on a sound impact assessment also evaluating costs and benefits to the market, as such an extended definition may create significant costs to be borne by final customers.

Amendment 21
George Sabin Cutaş

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

Text proposed by the Commission

(1) "protected customers" means all household customers already connected to a gas distribution network, ***and, if the Member State concerned so decides, can also include*** small and medium-sized

Amendment

(1) "protected customers" means all household customers already connected to a gas distribution network; ***in identifying protected customers, Member States should pay particular attention to***

enterprises, schools and hospitals provided that they are already connected to a gas distribution network;

vulnerable groups, small and medium-sized enterprises, schools and hospitals provided that they are already connected to a gas distribution network;

Or. en

Justification

The decision on whether to include vulnerable groups into the definition of "protected customers" should rest at the national member states' choice.

Amendment 22

Theodor Dumitru Stolojan

Proposal for a regulation

Article 2 – paragraph 1 – point 1

Text proposed by the Commission

(1) "protected customers" means all household customers already connected to a gas distribution network, and, if the Member State concerned so decides, *can* also include small and medium-sized enterprises, schools and hospitals provided that they are already connected to a gas distribution network;

Amendment

(1) "protected customers" means all household customers already connected to a gas distribution network, and, if the Member State concerned so decides, *may* also include **other customers, such as** small and medium-sized enterprises, schools and hospitals provided that they are already connected to a gas distribution network;

Or. en

Amendment 23

Nikolaos Chountis

Proposal for a regulation

Article 2 – paragraph 1 – point 1

Text proposed by the Commission

(1) "protected customers" means all household customers **already** connected to a gas distribution network, and, if the Member State concerned so decides, can

Amendment

(1) "protected customers" means all household customers connected to a gas distribution network, and, if the Member State concerned so decides, can also

also include small and medium-sized enterprises, schools and hospitals provided that they are **already** connected to a gas distribution network;

include small and medium-sized enterprises, schools and hospitals provided that they are connected to a gas distribution network;

Or. en

Amendment 24
Sabin Cutaş

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

1. Security of gas supply is a task of the natural gas undertakings, Competent Authorities of the Member States, the industrial gas customers, and the Commission within their respective areas of responsibility. ***It requires a*** high degree of cooperation between them.

Amendment

1. Security of gas supply is a task of the natural gas undertakings, Competent Authorities of the Member States, the industrial gas customers, and the Commission within their respective areas of responsibility. ***A*** high degree of cooperation between them ***is required, and transparency and efficient exchange of information is essential.***

Or. en

Justification

As the gas supply issue is a politicised issue, we need a unified approach to this within the EU.

Amendment 25
Ivo Strejček

Proposal for a regulation
Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. By [31 March 2011; 12 months from entry into force] at the latest, the Competent Authority, after consultation of the natural gas undertakings, of the

Amendment

1. By [31 March 2011; 12 months from entry into force] at the latest, ***on the basis of the risk and impact assessment carried out in accordance with Article 8,*** the

relevant organisations representing the interests of household and industrial customers and of the regulatory authority, where it is not the Competent Authority, shall establish:

Competent Authority, after consultation of the natural gas undertakings, of the relevant organisations representing the interests of household and industrial customers and of the regulatory authority, where it is not the Competent Authority, shall establish:

Or. en

Justification

A risk and impact assessment shall be carried out by each Member State when preparing preventive action and emergency plans based on a common EU methodology, allowing the Member State to take into account particular national circumstances where appropriate.

Amendment 26

Markus Ferber

Proposal for a regulation

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. By [31 March 2011; 12 months from entry into force] at the latest, the Competent Authority, after consultation of the natural gas undertakings, of the relevant organisations representing the interests of household and industrial customers and of the regulatory authority, where it is not the Competent Authority, shall establish:

Amendment

1. By [31 March 2011; 12 months from entry into force] at the latest, ***on the basis of the risk and impact assessment carried out in accordance with Article 8***, the Competent Authority, after consultation of the natural gas undertakings, of the relevant organisations representing the interests of household and industrial customers and of the regulatory authority, where it is not the Competent Authority, shall establish:

Or. en

Justification

A risk and impact assessment shall be carried out by each Member State when preparing preventive action and emergency plans based on a common EU methodology, allowing the Member State to take into account particular national circumstances where appropriate.

Amendment 27
Nikolaos Chountis

Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission

3. During the process mentioned in paragraph 2 the Commission may recommend at which regional level the exchange of information and consultations shall take place. The Commission, after consultation of the European Network of Transmission System Operators for Gas ("ENTSO-G") and the Agency for the Cooperation of Energy Regulators ("ACER"), may also recommend the establishment of a joint *Plan* at regional level.

Amendment

3. During the process mentioned in paragraph 2 the Commission may recommend at which regional level the exchange of information and consultations shall take place. The Commission, after consultation of ***the Gas Coordination Group***, the European Network of Transmission System Operators for Gas ("ENTSO-G") and the Agency for the Cooperation of Energy Regulators ("ACER"), may also recommend the establishment of a joint *plan* at regional level.

Or. en

Amendment 28
Dirk Sterckx

Proposal for a regulation
Article 4 – paragraph 4

Text proposed by the Commission

4. Member States ***may also decide to*** establish joint *Plans* at regional level, instead of or in addition to separate national *Plans*.

Amendment

4. Member States ***shall*** establish joint *plans* at regional level, instead of or in addition to separate national *plans*. ***The geographical areas covered by such joint regional plans shall include cooperation in geographical areas defined in accordance with Article 12(3) of Regulation (EC) No 714/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network for cross-border exchanges in electricity¹. Such cooperation may cover other geographical areas.***

Or. en

Amendment 29

Dirk Sterckx

Proposal for a regulation

Article 4 – paragraph 6 – subparagraph 1

Text proposed by the Commission

6. Within six months after the notification of the *Plans* by the Competent Authorities, the Commission shall assess the *Plans* of all Member States. The Commission shall consult ENTSO-G, ACER, the Gas Coordination Group and other concerned stakeholders on those plans. Where the Commission considers that a *Plan* is not effective to mitigate the risks as identified in the risk assessment or inconsistent with the risk scenarios or the *Plans* of other Member States, or that it does not comply with the provisions of this Regulation or other provisions of *Community* law, it shall require the revision of the *Plan*.

Amendment

6. Within six months after the notification of the *plans* by the Competent Authorities, the Commission shall assess the *plans* of all Member States **and all joint regional plans**. The Commission shall consult ENTSO-G, ACER, the Gas Coordination Group and other concerned stakeholders on those plans. Where the Commission considers that a *plan* is not effective to mitigate the risks as identified in the risk assessment or inconsistent with the risk scenarios or the *plans* of other Member States, **other regional plans**, or that it does not comply with the provisions of this Regulation or other provisions of *European Union* law, it shall require the revision of the *plan*.

Or. en

Amendment 30

Slawomir Witold Nitras, Theodor Dumitru Stolojan, Danuta Jazłowiecka, Danuta Maria Hübner, Enikő Győri

Proposal for a regulation

Article 5 – paragraph 3

Text proposed by the Commission

3. The Preventive Action Plan shall take into account economic effectiveness, effects on the functioning of the internal

Amendment

3. The Preventive Action Plan shall take into account **cost efficiency**, economic effectiveness, effects on the functioning of

energy market and environmental impact.

the internal energy market and
environmental impact.

Or. en

Justification

Cost efficiency notion better defines that Preventive Action Plan should take into account reaching the target at the lowest cost.

Amendment 31

Dirk Sterckx

Proposal for a regulation

Article 5 – paragraph 3

Text proposed by the Commission

3. The Preventive Action Plan shall take into account economic effectiveness, effects on the functioning of the internal energy market and environmental impact.

Amendment

3. The Preventive Action Plan shall take into account economic effectiveness, ***fair competition***, effects on the functioning of the internal energy market and environmental impact.

Or. en

Amendment 32

Nikolaos Chountis

Proposal for a regulation

Article 5 – paragraph 4

Text proposed by the Commission

4. The Preventive Action Plan shall be updated every two years.

Amendment

4. The Preventive Action Plan shall be updated every two years, ***unless more frequent updating is appropriate***.

Or. en

Amendment 33

Ivo Strejček

Proposal for a regulation

Article 6 – paragraph 1

Text proposed by the Commission

1. By [31 March **2014; 3 years** after entry into force] at the latest, the Competent Authority shall ensure that in the event of a disruption of the largest gas **supply infrastructure**, the **remaining** infrastructure (N-1) has the capacity to deliver the necessary volume of gas to satisfy **total** gas demand of the calculated area during a **period of sixty days** of exceptionally high gas demand during the coldest period statistically occurring every twenty years.

Amendment

1. By [31 March **2017; 6 years** after entry into force] at the latest, the Competent Authority shall ensure that in the event of a disruption of **flows at** the largest gas **transmission entry point** the **available** infrastructure (N-1) has the capacity to deliver the necessary volume of gas to satisfy gas demand of the **protected customers in the** calculated area during a **day** of exceptionally high gas demand during the coldest period statistically occurring every twenty years.

Or. en

Justification

The deadline of 3 years proposed in the draft regulation is unrealistic. Significant investments in new infrastructure to meet N-1, as will have to be carried out in particular in Central and South-Eastern European countries, require at least 5 to 6 years, depending on their scope. Article 6 paragraph 1 will generate huge investment needs in new capacities and as a result increasing prices for final customers, if not restricted to the absolutely necessary. In order to be consistent with the supply standard in Article 7, the N-1 rule should reflect the gas demand of the protected customers only.

Amendment 34

Markus Ferber

Proposal for a regulation

Article 6 – paragraph 1

Text proposed by the Commission

1. By [31 March **2014; 3 years** after entry into force] at the latest, the Competent Authority shall ensure that in the event of a disruption of the largest gas **supply infrastructure**, the **remaining**

Amendment

1. By [31 March **2017; 6 years** after entry into force] at the latest, the Competent Authority shall ensure that in the event of a disruption of **flows at** the largest gas **transmission entry point** the **available**

infrastructure (N-1) has the capacity to deliver the necessary volume of gas to satisfy **total** gas demand of the calculated area during a **period of sixty days** of exceptionally high gas demand during the coldest period statistically occurring every twenty years.

infrastructure (N-1) has the capacity to deliver the necessary volume of gas to satisfy gas demand of the **protected customers in the** calculated area during a **day** of exceptionally high gas demand during the coldest period statistically occurring every twenty years.

Or. en

Justification

The deadline of 3 years proposed in the draft regulation is unrealistic. Significant investments in new infrastructure to meet N-1, as will have to be carried out in particular in Central and South-Eastern European countries, require at least 5 to 6 years, depending on their scope. Article 6 paragraph 1 will generate huge investment needs in new capacities and as a result increasing prices for final customers, if not restricted to the absolutely necessary. In order to be consistent with the supply standard in Article 7, the N-1 rule should reflect the gas demand of the protected customers only.

Amendment 35

Ivo Strejček

Proposal for a regulation

Article 6 – paragraph 5

Text proposed by the Commission

5. The transmission system operators shall enable permanent physical capacity to transport gas in both directions on **all** interconnections ***within two years from the entry into force of this Regulation, except in cases where at the request of a Competent Authority, the Commission decides that*** the addition of a bi-directional flow capacity would ***not*** enhance the security of supply ***of any Member State. Such decision*** may be reviewed if circumstances change. ***The level of the bi-directional flow capacity shall be reached in a cost efficient way and at least take into account the capacity required to meet the supply standard set in Article 7.*** Within that ***two year*** period, the gas

Amendment

5. If necessary according to the risk and impact assessment carried out in accordance with Article 8, taking into account technical feasibility and a cost-benefit analysis, the transmission system operators shall ***within three years from the entry into force of this Regulation*** enable permanent physical capacity to transport gas in both directions on ***those*** interconnections where at the addition of a bi-directional flow capacity would enhance the security of supply, ***in particular during an emergency. The assessment*** may be reviewed if circumstances change. Within that ***three-year*** period, the gas transmission system operator shall, ***in accordance with the risk and impact assessment carried***

transmission system operator shall adapt the functioning of the transmission system as a whole so as to enable bi-directional gas flows.

out in accordance with Article 8, taking into account technical feasibility and a cost-benefit analysis, adapt the functioning of the transmission system as a whole so as to enable bi-directional gas flows.

Or. en

Justification

Imposing permanent physical capacity to transport gas in both directions on all interconnections should not be required without first assessing whether it is technically and/or economically possible or appropriate in individual circumstances. A prior risk and impact assessment is required in order to avoid unnecessary costs to be borne by the final customers.

The two year period to enable permanent physical capacity can only be met if small modifications of infrastructure are required. Larger modifications, e.g. the installation of a new compression unit, will take longer.

Amendment 36 **Markus Ferber**

Proposal for a regulation **Article 6 – paragraph 5**

Text proposed by the Commission

5. The transmission system operators shall enable permanent physical capacity to transport gas in both directions on ***all*** interconnections ***within two years from the entry into force of this Regulation, except in cases where at the request of a Competent Authority, the Commission decides that*** the addition of a bi-directional flow capacity would ***not*** enhance the security of supply ***of any Member State. Such decision*** may be reviewed if circumstances change. ***The level of the bi-directional flow capacity shall be reached in a cost efficient way and at least take into account the capacity required to meet the supply standard set in Article 7.*** Within that ***two year*** period, the gas transmission system operator shall adapt

Amendment

5. If necessary according to the risk and impact assessment carried out according to Article 8, taking into account technical feasibility and a cost-benefit analysis, the transmission system operators shall ***within three years from the entry into force of this Regulation*** enable permanent physical capacity to transport gas in both directions on ***those*** interconnections where at the addition of a bi-directional flow capacity would enhance the security of supply, ***in particular during an Emergency. The assessment*** may be reviewed if circumstances change. Within that ***three-year*** period, the gas transmission system operator shall, ***in accordance with the risk and impact assessment carried out according to Article 8, taking into account***

the functioning of the transmission system as a whole so as to enable bi-directional gas flows.

technical feasibility and a cost-benefit analysis, adapt the functioning of the transmission system as a whole so as to enable bi-directional gas flows.

Or. en

Justification

Imposing permanent physical capacity to transport gas in both directions on all interconnections should not be required without first assessing whether it is technically and/or economically possible or appropriate in individual circumstances. A prior risk and impact assessment is required in order to avoid unnecessary costs to be borne by the final customers.

The two year period to enable permanent physical capacity can only be met if small modifications of infrastructure are required. Larger modifications, e.g. the installation of a new compression unit, will take longer.

Amendment 37 **Markus Ferber**

Proposal for a regulation **Article 7 – paragraph 1 – introductory part**

Text proposed by the Commission

1. The Competent Authority shall ***take the measures*** to ensure the gas supply to the protected customers of the Member State in the case of:

Amendment

1. The Competent Authority shall ***require supply undertakings*** to ensure the gas supply to the protected customers of the Member State in the case of:

Or. en

Justification

It should be a primary obligation of the supply undertakings to ensure supply standards. The supply standard causes additional costs to be borne by the protected customers. The period to be covered by the supply standard should not be longer than absolutely necessary to avoid disproportionate costs and hampering of the competitiveness of gas as a low carbon fuel. In the last approx. 40 years since the large infrastructure for transmission of natural gas to Europe was built, the only major supply interruption lasted 13 days. A period of thirty days for the supply standard would therefore be more than sufficient to cover all eventualities and would decrease costs significantly. A thirty day period also seems long enough to restore gas supplies or implement additional measures, such as supplies via reverse flows.

Amendment 38
Markus Ferber

Proposal for a regulation
Article 7 – paragraph 1 – point b

Text proposed by the Commission

b) any period of ~~sixty~~ days of exceptionally high gas demand during the coldest weather periods statistically occurring every twenty years.

Amendment

b) any period of **thirty** days of exceptionally high gas demand during the coldest weather periods statistically occurring every twenty years.

Or. en

Justification

It should be a primary obligation of the supply undertakings to ensure supply standards. The supply standard causes additional costs to be borne by the protected customers. The period to be covered by the supply standard should not be longer than absolutely necessary to avoid disproportionate costs and hampering of the competitiveness of gas as a low carbon fuel. In the last approx. 40 years since the large infrastructure for transmission of natural gas to Europe was built, the only major supply interruption lasted 13 days. A period of thirty days for the supply standard would therefore be more than sufficient to cover all eventualities and would decrease costs significantly. A thirty day period also seems long enough to restore gas supplies or implement additional measures, such as supplies via reverse flows.

Amendment 39
Hans-Peter Martin

Proposal for a regulation
Article 7 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) supply by or from the largest infrastructure or source is disrupted and there is a danger of not being able to maintain the standard of supply to protected customers for a period of twenty days, as has been the case more frequently since 2005 as a result of contractual disputes ('gas conflicts')

between transit and supplier countries.

Or. de

Amendment 40

Markus Ferber

Proposal for a regulation

Article 7 – paragraph 2

Text proposed by the Commission

2. The Competent Authority shall ***take the measures*** to ensure the gas supply to the protected customers for the period of ***sixty*** days also in the event of an Emergency as defined in Article 9(2). The Competent Authority shall endeavour to maintain the supply for the protected customers as long as ***necessary***.

Amendment

2. The Competent Authority shall ***require supply undertakings*** to ensure the gas supply to the protected customers for the period of ***thirty*** days also in the event of an Emergency as defined in Article 9(2). The ***supply undertakings, in cooperation with the*** Competent Authority, shall endeavour to maintain the supply for the protected customers as long as ***possible on market-based security of gas supply***.

Or. en

Justification

It should be a primary obligation of the supply undertakings to ensure supply standards. A period of thirty days would decrease consumers' costs, see Article 7 paragraph 1.

The market should operate as long as possible and market-based mechanisms should develop the physical and contractual tools to maintain supplies for the protected customers.

Amendment 41

Ivo Strejček

Proposal for a regulation

Article 7 – paragraph 3

Text proposed by the Commission

3. The obligations imposed on natural gas undertakings for the fulfilment of the supply standard as laid down in paragraph

Amendment

3. The obligations imposed on natural gas undertakings for the fulfilment of the supply standard as laid down in paragraph

1 and 2 , shall be non-discriminatory and shall not impose an undue burden on **market entrants and small** undertakings.

1 and 2 , shall be non-discriminatory and shall not impose an undue burden on **those** undertakings.

Or. en

Justification

The objectives of the draft Regulation can only be achieved if the role and responsibilities of each actor is clearly defined based on standards applying to all market participants on an equal footing, including market entrants and small undertakings.

Amendment 42
Markus Ferber

Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission

3. The obligations imposed on natural gas undertakings for the fulfilment of the supply standard as laid down in paragraph 1 and 2, shall be non-discriminatory and shall not impose an undue burden on **market entrants and small** undertakings.

Amendment

3. The obligations imposed on natural gas undertakings for the fulfilment of the supply standard as laid down in paragraph 1 and 2, shall be non-discriminatory and shall not impose an undue burden on **those** undertakings.

Or. en

Justification

The objectives of the draft Regulation can only be achieved if the role and responsibilities of each actor is clearly defined based on standards applying to all market participants on an equal footing, including market entrants and small undertakings.

Amendment 43
Hans-Peter Martin

Proposal for a regulation
Article 7 – paragraph 5

Text proposed by the Commission

5. The Competent Authority shall ensure that conditions for supplies to protected customers are *established without prejudice to the proper functioning of the internal gas market and at a price respecting the market value of the commodity*.

Amendment

5. The Competent Authority shall ensure that conditions for supplies to protected customers are *consistent with the interests of society as a whole and that gas is supplied at a price which it has determined, but which must take account of the undertakings' legitimate interest in making a profit*.

Or. de

Amendment 44
Ivo Strejček

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. By [30 *September 2010*; 6 months after entry into force] each Competent Authority shall *fully assess the risks affecting the security of gas supply in its Member State by:*

a) *using the standards specified in Articles 6 and 7;*

b) taking into account all relevant national and regional circumstances;

c) running various scenarios of exceptionally high demand and supply disruption, such as failure of main transmission infrastructures, storages, LNG terminals, and disruption of supplies from *third country suppliers*;

Amendment

1. By [30 *March 2011*; 12 months after entry into force] each Competent Authority shall *undertake a risk and impact assessment that shall be the basis for:*

a) *the establishment of the risk profile of the Member State concerned*, taking into account all relevant national and regional circumstances;

b) *the establishment of the Preventive Action Plan of the Member State concerned*;

c) *the establishment of the Emergency Plan of the Member State concerned*;

d) identifying the interaction and correlation of risks with other Member States.

The risk and impact assessment shall be based on the standards specified in Articles 6 and 7 and shall include running various scenarios of exceptionally high demand and/or supply disruption, such as failure of main transmission infrastructures, storages, LNG terminals, and disruption of supplies from *third-country producers*. ***Account shall be taken of the*** interaction and correlation of risks with other Member States.

Or. en

Justification

The deadline for the risk and impact assessment according to Article 8 paragraph 1 should be the same as in Article 4 paragraph 1. The proposed Regulation sets up strong structural obligations for Member States, as for instance the N-1 rule for infrastructure standard or binding provisions relating to reverse flows. It is necessary to carefully assess the measures proposed in order to avoid that new capacities would remain unused, generating sunk costs and leading to price increases for final customers and impeding the competitiveness of the gas industry as a whole. A risk and impact assessment should therefore be carried out by each Member State in accordance with a common methodology, whilst allowing the Member State to take into account particular national circumstances and specificities where appropriate. The results shall be reflected in preventive action and emergency plans. Similar plans could also be prepared at the regional level.

Amendment 45 **Markus Ferber**

Proposal for a regulation **Article 8 – paragraph 1**

Text proposed by the Commission

1. By [30 **September 2010**; **6 months** after entry into force] each Competent Authority shall **fully assess the risks affecting the security of gas supply in its Member State by:**

a) **using the standards specified in Articles 6 and 7;**

Amendment

1. By [30 **March 2011**; **12 months** after entry into force] each Competent Authority shall **undertake a risk and impact assessment that shall be the basis for :**

a) **the establishment of the risk profile of the Member State concerned**, taking into account all relevant national and regional

b) taking into account all relevant national and regional circumstances;

c) running various scenarios of exceptionally high demand and supply disruption, such as failure of main transmission infrastructures, storages, LNG terminals, and disruption of supplies from *third country suppliers*;

d) identifying the interaction and correlation of risks with other Member States.

circumstances;

b) the establishment of the Preventive Action Plan of the Member State;

c) the establishment of the Emergency Plan of the Member State concerned;

The risk and impact assessment shall be based on the standards specified in Articles 6 and 7 and shall include running various scenarios of exceptionally high demand and/or supply disruption, such as failure of main transmission infrastructures, storages, LNG terminals, and disruption of supplies from *third-country producers*. ***Account shall be taken of the*** interaction and correlation of risks with other Member States.

Or. en

Justification

The deadline for the risk and impact assessment according to Article 8 paragraph 1 should be the same as in Article 4 paragraph 1. The proposed Regulation sets up strong structural obligations for Member States, as for instance the N-1 rule for infrastructure standard or binding provisions relating to reverse flows. It is necessary to carefully assess the measures proposed in order to avoid that new capacities would remain unused, generating sunk costs and leading to price increases for final customers and impeding the competitiveness of the gas industry as a whole. A risk and impact assessment should therefore be carried out by each Member State in accordance with a common methodology, whilst allowing the Member State to take into account particular national circumstances and specificities where appropriate. The results shall be reflected in preventive action and emergency plans. Similar plans could also be prepared at the regional level.

Amendment 46

Ivo Strejček

Proposal for a regulation

Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The risk and impact assessment shall take into account technical feasibility and a cost-benefit analysis. This should, in particular, be the case prior to any potential extension at national level of the scope of protected consumers beyond household customers.

Or. en

Justification

The deadline for the risk and impact assessment according to Article 8 paragraph 1 should be the same as in Article 4 paragraph 1. The proposed Regulation sets up strong structural obligations for Member States, as for instance the N-1 rule for infrastructure standard or binding provisions relating to reverse flows. It is necessary to carefully assess the measures proposed in order to avoid that new capacities would remain unused, generating sunk costs and leading to price increases for final customers and impeding the competitiveness of the gas industry as a whole. A risk and impact assessment should therefore be carried out by each Member State in accordance with a common methodology, whilst allowing the Member State to take into account particular national circumstances and specificities where appropriate. The results shall be reflected in preventive action and emergency plans. Similar plans could also be prepared at the regional level.

Amendment 47

Markus Ferber

Proposal for a regulation

Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The risk and impact assessment shall take into account technical feasibility and a cost-benefit analysis. This should, in particular, be the case prior to any potential extension at national level of the

scope of protected consumers beyond household customers.

Or. en

Justification

The deadline for the risk and impact assessment according to Article 8 paragraph 1 should be the same as in Article 4 paragraph 1. The proposed Regulation sets up strong structural obligations for Member States, as for instance the N-1 rule for infrastructure standard or binding provisions relating to reverse flows. It is necessary to carefully assess the measures proposed in order to avoid that new capacities would remain unused, generating sunk costs and leading to price increases for final customers and impeding the competitiveness of the gas industry as a whole. A risk and impact assessment should therefore be carried out by each Member State in accordance with a common methodology, whilst allowing the Member State to take into account particular national circumstances and specificities where appropriate. The results shall be reflected in preventive action and emergency plans. Similar plans could also be prepared at the regional level.

Amendment 48

Ivo Strejček

Proposal for a regulation

Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Following a recommendation of the Commission in accordance with Article 4(3), or where a joint regional plan is established under Article 4(4), the obligations set out in this Article may be fulfilled at regional level.

Or. en

Justification

The deadline for the risk and impact assessment according to Article 8 paragraph 1 should be the same as in Article 4 paragraph 1. The proposed Regulation sets up strong structural obligations for Member States, as for instance the N-1 rule for infrastructure standard or binding provisions relating to reverse flows. It is necessary to carefully assess the measures proposed in order to avoid that new capacities would remain unused, generating sunk costs and leading to price increases for final customers and impeding the competitiveness of the

gas industry as a whole. A risk and impact assessment should therefore be carried out by each Member State in accordance with a common methodology, whilst allowing the Member State to take into account particular national circumstances and specificities where appropriate. The results shall be reflected in preventive action and emergency plans. Similar plans could also be prepared at the regional level.

Amendment 49

Markus Ferber

Proposal for a regulation

Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Following a recommendation of the Commission in accordance with Article 4(3), or where a joint regional plan is established under Article 4(4), the obligations set out in this Article may be fulfilled at the regional level.

Or. en

Justification

The deadline for the risk and impact assessment according to Article 8 paragraph 1 should be the same as in Article 4 paragraph 1. The proposed Regulation sets up strong structural obligations for Member States, as for instance the N-1 rule for infrastructure standard or binding provisions relating to reverse flows. It is necessary to carefully assess the measures proposed in order to avoid that new capacities would remain unused, generating sunk costs and leading to price increases for final customers and impeding the competitiveness of the gas industry as a whole. A risk and impact assessment should therefore be carried out by each Member State in accordance with a common methodology, whilst allowing the Member State to take into account particular national circumstances and specificities where appropriate. The results shall be reflected in preventive action and emergency plans. Similar plans could also be prepared at the regional level.

Amendment 50
Nikolaos Chountis

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission

3. The risk assessment shall be repeated every two years before 30 September of that year.

Amendment

3. The risk assessment shall be repeated every two years before 30 September of that year, *unless more frequent repetition is appropriate.*

Or. en

Amendment 51
Dirk Sterckx

Proposal for a regulation
Article 8 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. By [31 December 2010; nine months from entry into force] at the latest each regional cooperation structure as described in Article 4(4) shall carry out a comprehensive assessment of the risks to security of gas supply in its region, taking account of the risk assessments previously drawn up by the participating countries.

Or. nl

Amendment 52
Dirk Sterckx

Proposal for a regulation
Article 8 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. By [31 March 2011; 12 months from entry into force] at the latest the European Commission shall carry out a

comprehensive assessment of the risks to security of gas supply in the European Union, taking account of the risk assessments previously drawn up by the Member States and regional cooperation structures.

Or. nl

Amendment 53

Dirk Sterckx

Proposal for a regulation

Article 9 – paragraph 1 – point 7

Text proposed by the Commission

(7) Identify the contribution of the non-market based measures planned or to be implemented for the Emergency level listed in Annex III and assess the degree to which the use of non-market based measures is necessary to cope with the crisis, assess their effects and define the procedures to implement them;

Amendment

(7) Identify the contribution of the non-market based measures planned or to be implemented for the Emergency level listed in Annex III and, ***on the basis of a cost-benefit analysis***, assess the degree to which the use of non-market based measures is necessary to cope with the crisis, ***and only as a last resort in order to safeguard continuity of gas supply***, assess their effects and define the procedures to implement them;

Or. nl

Amendment 54

Ivo Strejček

Proposal for a regulation

Article 9 – paragraph 2 – point 1

Text proposed by the Commission

(1) Early warning level (Early Warning): ***when there is*** concrete, serious and reliable ***information, possibly triggered by an Early Warning Mechanism, that an event may occur which will deteriorate the***

Amendment

(1) Early warning level (Early Warning): concrete, serious and reliable ***suggests that supply conditions could deteriorate in the short term. The market is expected to solve the problem without the intervention***

supply conditions;

of the Competent Authority;

Or. en

Justification

Each crisis level should be explained in detail and clearly distinguished one from the other to avoid any confusion in the event of an emergency. The three-level-approach defined in Directive 2004/67/EC to ensure security of supply (I: companies; II: Member States; III: the Commission), is no longer clearly reflected in the draft Regulation. This principle should be reinstated in the draft Regulation. During the first two crisis stages, the market is fully expected to solve the problem, but during a real crisis/emergency, when market mechanisms alone are insufficient to cope with the crisis, the Member States should be involved.

Amendment 55

Markus Ferber

Proposal for a regulation

Article 9 – paragraph 2 – point 1

Text proposed by the Commission

(1)Early warning level (Early Warning):
when there is concrete, serious and reliable
information, possibly triggered by an
Early Warning Mechanism, that an event
may occur which will deteriorate the
supply conditions;

Amendment

(1)Early warning level (Early Warning):
concrete, serious and reliable ***suggests that***
supply conditions could deteriorate in the
short term. The market is expected to
solve the problem without the intervention
of the Competent Authority;

Or. en

Justification

Each crisis level should be explained in detail and clearly distinguished one from the other to avoid any confusion in the event of an emergency. The three-level-approach defined in Directive 2004/67/EC to ensure security of supply (I: companies; II: Member States; III: the Commission), is no longer clearly reflected in the draft Regulation. This principle should be reinstated in the draft Regulation. During the first two crisis stages, the market is fully expected to solve the problem, but during a real crisis/emergency, when market mechanisms alone are insufficient to cope with the crisis, the Member States should be involved.

Amendment 56

Ivo Strejček

Proposal for a regulation

Article 9 – paragraph 2 – point 2

Text proposed by the Commission

(2) Alert level (Alert): **when** a supply disruption or exceptionally high demand occurs but **the market is still able** to resolve the situation without the intervention of the Competent Authority;

Amendment

(2) Alert level (Alert): a supply disruption or exceptionally high demand occurs, but **its scale does not warrant a declaration of an Emergency under point (3). The market is expected** to resolve the situation without the intervention of the Competent Authority;

Or. en

Justification

Each crisis level should be explained in detail and clearly distinguished one from the other to avoid any confusion in the event of an emergency. The three-level-approach defined in Directive 2004/67/EC to ensure security of supply (I: companies; II: Member States; III: the Commission), is no longer clearly reflected in the draft Regulation. This principle should be reinstated in the draft Regulation. During the first two crisis stages, the market is fully expected to solve the problem, but during a real crisis/emergency, when market mechanisms alone are insufficient to cope with the crisis, the Member States should be involved.

Amendment 57

Markus Ferber

Proposal for a regulation

Article 9 – paragraph 2 – point 2

Text proposed by the Commission

(2) Alert level (Alert): **when** a supply disruption or exceptionally high demand occurs but **the market is still able** to resolve the situation without the intervention of the Competent Authority;

Amendment

(2) Alert level (Alert): a supply disruption or exceptionally high demand occurs, but **its scale does not warrant a declaration of an Emergency under point (3). The market is expected** to resolve the situation without the intervention of the Competent Authority;

Or. en

Justification

Each crisis level should be explained in detail and clearly distinguished one from the other to avoid any confusion in the event of an emergency. The three-level-approach defined in Directive 2004/67/EC to ensure security of supply (I: companies; II: Member States; III: the Commission), is no longer clearly reflected in the draft Regulation. This principle should be reinstated in the draft Regulation. During the first two crisis stages, the market is fully expected to solve the problem, but during a real crisis/emergency, when market mechanisms alone are insufficient to cope with the crisis, the Member States should be involved.

Amendment 58

Ivo Strejček

Proposal for a regulation

Article 9 – paragraph 2 – point 3

Text proposed by the Commission

(3) Emergency level (Emergency): when an exceptionally high demand occurs **or when there is a disruption of the supply through or from the largest infrastructure or source and there is a credible risk that the supply standard to the protected customers can no longer be met with market based instruments alone.**

Amendment

(3) Emergency level (Emergency): when **a supply disruption or** an exceptionally high demand occurs **and** there is **evidence that market-based mechanisms alone can no longer ensure supplies to protected customers. The Competent Authority is required to intervene within the framework of the Emergency Plan. Market-based mechanisms and non-market-based mechanisms may operate alongside each other in this phase.**

Or. en

Justification

Each crisis level should be explained in detail and clearly distinguished one from the other to avoid any confusion in the event of an emergency. The three-level-approach defined in Directive 2004/67/EC to ensure security of supply (I: companies; II: Member States; III: the Commission), is no longer clearly reflected in the draft Regulation. This principle should be reinstated in the draft Regulation. During the first two crisis stages, the market is fully expected to solve the problem, but during a real crisis/emergency, when market mechanisms alone are insufficient to cope with the crisis, the Member States should be involved.

Amendment 59
Markus Ferber

Proposal for a regulation
Article 9 – paragraph 2 – point 3

Text proposed by the Commission

(3) Emergency level (Emergency): when an exceptionally high demand occurs *or when there is a disruption of the supply through or from the largest infrastructure or source and there is a credible risk that the supply standard to the protected customers can no longer be met with market based instruments alone.*

Amendment

(3) Emergency level (Emergency): when *a supply disruption or* an exceptionally high demand occurs *and* there is *evidence that market-based mechanisms alone can no longer ensure supplies to protected customers. The Competent Authority is required to intervene within the framework of the Emergency Plan. Market-based mechanisms and non-market-based mechanisms may operate alongside each other in this phase.*

Or. en

Justification

Each crisis level should be explained in detail and clearly distinguished one from the other to avoid any confusion in the event of an emergency. The three-level-approach defined in Directive 2004/67/EC to ensure security of supply (I: companies; II: Member States; III: the Commission), is no longer clearly reflected in the draft Regulation. This principle should be reinstated in the draft Regulation. During the first two crisis stages, the market is fully expected to solve the problem, but during a real crisis/emergency, when market mechanisms alone are insufficient to cope with the crisis, the Member States should be involved..

Amendment 60

Danuta Jazłowiecka, Sławomir Witold Nitras, Danuta Maria Hübner, Theodor Dumitru Stolojan, Enikő Győri

Proposal for a regulation
Article 9 – paragraph 2 – point 3

Text proposed by the Commission

(3) Emergency level (Emergency): when an exceptionally high demand occurs or when there is a disruption of the supply through or from the largest infrastructure or source **and** there is a credible risk that

Amendment

(3) Emergency level (Emergency): when an exceptionally high demand occurs or when there is a disruption of the supply through or from the largest infrastructure or source **or** there is a credible risk that the

the supply standard to the protected customers can no longer be met with market based instruments alone.

supply standard to the protected customers can no longer be met with market based instruments alone.

Or. en

Justification

The trigger for the implementation of emergency responses should be more flexible.

Not only actual disruptions of supply should be the grounds for reaction but also serious and reliable threats of disruptions as this may help to prevent the crisis.

Amendment 61

Ivo Strejček

Proposal for a regulation

Article 9 – paragraph 3

Text proposed by the Commission

3. **The Emergency Plan** shall ensure that cross-border access to the storage facilities is maintained also in case of emergency. **The Emergency Plan** shall not introduce any measure unduly restricting the flow of gas across the borders.

Amendment

3. **Member States** shall ensure that cross-border access to the storage facilities is maintained also in case of emergency. **Member States** shall not introduce any measure unduly restricting the flow of gas across the borders.

Or. en

Justification

It should be clarified that not only the Emergency Plan but any authority and also Member States' legislators shall ensure that cross-border access to storage facilities is maintained. Member States in general shall not be allowed to introduce any measure unduly restricting the flow of gas, thereby foreclosing the internal market.

Amendment 62
Markus Ferber

Proposal for a regulation
Article 9 – paragraph 3

Text proposed by the Commission

3. **The Emergency Plan** shall ensure that cross-border access to the storage facilities is maintained also in case of emergency. **The Emergency Plan** shall not introduce any measure unduly restricting the flow of gas across the borders.

Amendment

3. **Member States** shall ensure that cross-border access to the storage facilities is maintained also in case of emergency. **Member States** shall not introduce any measure unduly restricting the flow of gas across the borders.

Or. en

Justification

It should be clarified that not only the Emergency Plan but any authority and also Member States' legislators shall ensure that cross-border access to storage facilities is maintained. Member States in general shall not be allowed to introduce any measure unduly restricting the flow of gas, thereby foreclosing the internal market.

Amendment 63

Danuta Jazlowiecka, Sławomir Witold Nitras, Danuta Maria Hübner, Theodor Dumitru Stolojan, Enikő Győri

Proposal for a regulation
Article 9 – paragraph 6

Text proposed by the Commission

6. The Commission shall verify within **one week** whether the declaration of an Emergency **is justified** and whether it does not impose an undue burden on the natural gas undertakings and on the functioning of the internal market. The Commission may, in particular, ask the Competent Authority to modify measures imposing an undue burden on natural gas undertakings and to lift its declaration of Emergency if the Commission considers it not or no longer justified.

Amendment

6. The Commission shall verify within **three days** whether the declaration of an Emergency **fulfils the criteria indicated in paragraph 2** and whether it does not impose an undue burden on the natural gas undertakings and on the functioning of the internal market. The Commission may, in particular, ask the Competent Authority to modify measures imposing an undue burden on natural gas undertakings and to lift its declaration of Emergency if the Commission considers it not or no longer

justified.

Or. en

Justification

It is necessary to shorten the timeframe as the consequences of an energy crisis are often visible already after few days and may already have a negative effect on the economy.

Amendment 64

Dirk Sterckx

Proposal for a regulation

Article 9 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. Emergency Plans shall be updated every two years.

Or. nl

Amendment 65

Enikő Győri

Proposal for a regulation

Article 10 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission may declare a *Community* Emergency at the request of one Competent Authority or *when the Community loses* more than 10% of its daily gas import from third countries as calculated by ENTSO-G. It shall declare a *Community* Emergency where more than one Competent Authority has declared Emergency following the verification in accordance with Article 9(6). It may declare a *Community* Emergency for specifically affected geographical regions comprising more than one Member State.

1. The Commission may declare a *Union* Emergency at the request of one Competent Authority or *where the Union is losing* more than 10% of its daily gas import from third countries – ***which amounts to the daily consumption of certain Member States*** – as calculated by ENTSO-G. It shall declare a *Union* Emergency where more than one Competent Authority has declared Emergency following the verification in accordance with Article 9(6). It may declare a *Union* Emergency for specifically affected geographical regions comprising

more than one Member State.

Or. en

Justification

It is necessary to recall that a 10% fall-out of the daily gas import is already in the magnitude of the daily gas consumption of a smaller Member State, therefore adherence to the 10% limit is of importance.

Amendment 66
George Sabin Cutaş

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

1. The Commission may declare a *Community* Emergency at the request of one Competent Authority or when the *Community loses* more than 10% of its daily gas import from third countries as calculated by ENTSO-G. It shall declare a *Community* Emergency where more than one Competent Authority has declared Emergency following the verification in accordance with Article 9(6). It may declare a *Community* Emergency for specifically affected geographical regions comprising more than one Member State.

Amendment

1. The Commission may declare a *Union* Emergency at the request of one Competent Authority ***where appropriate*** or *where the Union is losing* more than 10% of its daily gas import from third countries as calculated by ENTSO-G. It shall declare a *Union* Emergency where more than one Competent Authority has declared Emergency following the verification in accordance with Article 9(6). It may declare a *Union* Emergency for specifically affected geographical regions comprising more than one Member State.

Or. en

Justification

The Commission should only declare an emergency if there is really one, and not just at the request of a competent authority.

Amendment 67

Ivo Strejček

Proposal for a regulation

Article 10 – paragraph 3

Text proposed by the Commission

3. In a *Community* Emergency, the Commission shall coordinate the actions of the Competent Authorities. In particular the Commission shall ensure the exchange of information, ensure the consistency and effectiveness of the actions **at** Member **State** and regional level in relation to the *Community* level, and shall coordinate the actions with regard to third countries. The Commission may convene a crisis management group composed in particular of representatives of the industry and the Member States concerned by the Emergency.

Amendment

3. In a *Union* Emergency, the Commission shall coordinate **and facilitate** the actions of the Competent Authorities **of the Member States affected by a gas shortage**. In particular the Commission shall ensure the exchange of information, ensure the consistency and effectiveness of the actions **taken by the Member States affected by the gas shortage at national** and regional level in relation to the *Union* level, and shall coordinate **and facilitate** the actions with regard to third countries. The Commission may convene a crisis management group composed in particular of representatives of the industry and the Member States concerned by the Emergency.

Or. en

Justification

In the case of emergency, the Member States affected by gas shortage should bear primary responsibility as regards actions to restore gas supply with the Commission acting as coordinator and facilitator to this aim.

Amendment 68

Nikolaos Chountis

Proposal for a regulation

Article 10 – paragraph 3

Text proposed by the Commission

3. In a *Community* Emergency, the Commission shall coordinate the actions of the Competent Authorities. In particular the Commission shall ensure the exchange

Amendment

3. In a *Union* Emergency, the Commission shall coordinate the actions of the Competent Authorities. In particular the Commission shall ensure the exchange of

of information, ensure the consistency and effectiveness of the actions at Member State and regional level in relation to the *Community* level, and shall coordinate the actions with regard to third countries. The Commission may convene a crisis management group composed in particular of representatives of the *industry and the* Member States concerned by the Emergency.

information, ensure the consistency and effectiveness of the actions at Member State and regional level in relation to the *Union* level, and shall coordinate the actions with regard to third countries. The Commission may convene a crisis management group composed in particular of representatives of the Member States concerned by the Emergency.

Or. en

Amendment 69

Danuta Jazlowiecka, Slawomir Witold Nitras, Theodor Dumitru Stolojan, Danuta Maria Hübner, Enikő Győri

Proposal for a regulation

Article 10 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. Where the Commission considers that in the case of a Union Emergency, the actions taken by the Competent Authority or natural gas undertakings are insufficient, the Commission may implement directly the measures listed in Annexes II and III in order to restore the gas supply to the affected markets.

Or. en

Justification

In case of disruption of gas supply if the actions undertaken at national level turn out to be insufficient, the involvement of the European Commission is desired to ensure the security of supply to the EU as a whole. The Commission should coordinate the actions of the natural gas undertakings and national competent authorities until the normal functioning of the market is restored.

Amendment 70
Nikolaos Chountis

Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission

1. A Gas Coordination Group is established to facilitate the coordination of measures concerning the security of supply. The Group shall be composed of representatives of the Competent Authorities, ACER, ENTSO-G and representative bodies of the industry concerned and relevant customers. The Commission shall decide on the composition of the Group ensuring its representativity and shall chair the Group. The Group shall establish its rules of procedure.

Amendment

1. A Gas Coordination Group is established to facilitate the coordination of measures concerning the security of supply. The Group shall be composed of representatives of the Competent Authorities, ACER, ENTSO-G and representative bodies of the industry concerned, ***of gas consumer organisations and of*** relevant customers. The Commission shall decide on the composition of the Group ensuring its representativity and shall chair the Group. The Group shall establish its rules of procedure.

Or. en

Amendment 71
Nikolaos Chountis

Proposal for a regulation
Article 11 – paragraph 2 – point g

Text proposed by the Commission

(g) implementation of the ***Plans***;

Amendment

(g) ***Preventive Action Plans and Emergency Plans and*** the implementation of the ***measures provided for therein***;

Or. en

Amendment 72
Dirk Sterckx

Proposal for a regulation
Article 12 – paragraph 3

Text proposed by the Commission

3. The Competent Authorities and the Commission shall ensure the confidentiality of commercially sensitive information.

Amendment

3. The Competent Authorities and the Commission shall ***establish a structure to*** ensure the confidentiality ***and protection*** of commercially sensitive information.

Or. en

Amendment 73
Dirk Sterckx

Proposal for a regulation
Article 14 – paragraph 1a (new)

Text proposed by the Commission

Amendment

The report shall also include a SWOT analysis dealing with responsibility for implementing the measures to safeguard security of gas supply laid down in this Regulation. The Commission shall consider whether that responsibility should be conferred on the European Energy Regulators Group (ERREG) rather than on the competent authorities of the Member States.

Or. nl

Amendment 74
George Sabin Cutaş

Proposal for a regulation
Article 14 a (new)

Text proposed by the Commission

Amendment

Article 14a

Nabucco gas pipeline project

The European Union institutions shall give particular priority to the Nabucco gas pipeline project as regards its political profile and financing.

Or. en

Justification

In a regulation that concerns the security of gas supply, diversification of gas supply should play an important part. In this context, the Nabucco pipeline could offer an alternative to the current sources of gas to the European Union.

Amendment 75
George Sabin Cutaş

Proposal for a regulation
Article 15 b (new)

Text proposed by the Commission

Amendment

Article 15b

Structural Funds and Cohesion Fund

The European Union Structural Funds and Cohesion Fund as well as financial institutions such as the European Investment Bank shall provide funds towards investment into the EU gas infrastructure, gas storage and supplier diversification, research into the diversification of gas sources and routes, and research into alternative energy mixes for the European Union.

Justification

In order to boost investment into methods of securitizing gas supply in the European Union, investments should come from the EU itself.