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Plenary / Energy – Research and Innovation

Energy deals with third countries: MEPs approve rules on EU Commission help

The rules requiring EU member states to inform the EU Commission of their plans to negotiate energy supply deals with third countries before opening negotiations were approved by MEPs on Thursday. This is the first item of Energy Union legislation to be completed.

“This legislation will ensure the energy security of the member states, creating effective ex-ante mechanisms for the European Commission to check draft agreements on gas and oil supplies, and to verify their compliance both with the EU law and with energy security needs”, said rapporteur Zdzisław Krasnodebski (ECR, PL) whose draft text was approved by 542 votes to 87, with 19 abstentions.

“A clause in the final text allows for the inclusion of ex-ante verification mechanisms for electricity agreements, when the legislation is revised”, he added.

In his concluding remarks, Mr Krasnodebski asked the Commission “to be consistent and act with determination as regards its decisions on the OPAL gas pipeline and the controversial Nord Stream 2 project.”

Member states’ obligations

An informal deal struck by Parliament and the Council in December 2016 stipulates that a member state entering into negotiations with a third country in order to amend or to conclude an intergovernmental agreement on energy must inform the EU Commission in writing before the start of the negotiations.

At present, member states are required to submit such agreements to the Commission only after signature.

EU Commission help

Under the new rules, the Commission may respond to a member state’s notification by advising it on how to ensure that the agreement to be negotiated is compatible with EU law, including optional model clauses and guidance that the Commission will develop in consultation with member states.

At a member state’s request, or when it considers it necessary, the Commission may participate, or ask to participate, in the negotiations as an observer. However, its participation will be subject to the written approval of the member state concerned.

The Commission will have five weeks to inform the member state concerned that it has doubts about the deal under negotiation, and twelve further weeks to give its opinion on the deal’s compatibility with EU law, and in particular internal energy market and competition law.

If a member state fails to take account of the Commission’s opinion in the ratified version of the agreement, it should, without undue delay, explain to the Commission in writing the reasons for its decision.

Procedure: Ordinary legislative procedure

Further information

[Adopted text \(2016/0031\(COD\) will soon be available here \(02.03.2017\)](#)

[Video recording of debate \(click on 01.03.2017\)](#)

[EbS+ \(01.03.2017\)](#)

[Audiovisual material for professionals](#)

[Procedure file](#)

[EP Research Briefing \(February 2017\)](#)

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