22.6.2022

***I
DRAFT REPORT

on the proposal for a regulation of the European Parliament and of the Council on the internal markets for renewable and natural gases and for hydrogen (recast)

Committee on Industry, Research and Energy

Rapporteur: Jerzy Buzek

(Recast – Rule 110 of the Rules of Procedure)
Symbols for procedures

* Consultation procedure
*** Consent procedure
***I Ordinary legislative procedure (first reading)
***II Ordinary legislative procedure (second reading)
***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in *bold italics* in the left-hand column. Replacements are indicated in *bold italics* in both columns. New text is indicated in *bold italics* in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in *bold italics*. Deletions are indicated using either the ▼ symbol or strikeout. Replacements are indicated by highlighting the new text in *bold italics* and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.
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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION


(Ordinary legislative procedure – recast)

The European Parliament,

– having regard to the Commission proposal to Parliament and the Council (COM(2021)0804),
– having regard to Article 294(2) and Article 173(3) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0470/2021),
– having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
– having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Czech Chamber of Deputies and the Czech Senate, asserting that the draft legislative act does not comply with the principle of subsidiarity,
– having regard to the opinion of the European Economic and Social Committee of [xx xx 2022]¹,
– having regard to the opinion of the Committee of the Regions of [xx xx 2022]²,
– having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts³,
– having regard to the letter of XX 2022 sent by the Committee on Legal Affairs to the Committee on Industry, Research and Energy in accordance with Rule 110(3) of its Rules of Procedure,
– having regard to Rules 110 and 59 of its Rules of Procedure,
– having regard to the opinion of the Committee on Agriculture and Rural Development,
– having regard to the report of the Committee on Industry, Research and Energy (A9-0000/2022),

A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the Commission proposal does

¹ OJ C 0, 0.0.0000, p. 0.
² OJ C 0, 0.0.0000, p. 0.
not include any substantive amendments other than those identified as such in the proposal and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance;

1. Adopts its position at first reading hereinafter set out, taking into account the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission;

3. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation
Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) Recognising the volatilities created by the Union's overdependence on natural gas imports, in particular with regard to a monopolist supplier, and its wider geopolitical, security and economic impact, an effective policy and regulatory framework for internal market penetration of renewable and low-carbon gases, and in particular hydrogen, must ensure that the risk of sustained or new volatilities and dependencies on external suppliers are effectively addressed. For that purpose, the modernisation of existing and commissioning of new import infrastructure linking Member States and the internal market with third countries and external suppliers must take due account of the need for security of supply in terms of diversification of routes and suppliers, including by avoiding overdependence of any Member State with a single export country.

Or. en
Amendment 2

Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) This Regulation aims to facilitate the penetration of renewable and low-carbon gases into the energy system enabling a shift from fossil gas, and to allow these new gases to play an important role towards achieving the EU’s 2030 climate objectives and climate neutrality in 2050. The Regulation aims also to set up a regulatory framework that enables and incentivises all market participants to take the transitional role of fossil gas into account while planning their activities to avoid lock-in effects and ensure gradual and timely phase-out of fossil gas notably in all relevant industrial sectors and for heating purposes.

Amendment

(4) This Regulation aims to facilitate the penetration of renewable and low-carbon gases into the energy system enabling a shift from fossil gas, and to allow these new gases to play an important role towards achieving the EU’s 2030 climate objectives and climate neutrality in 2050. The Regulation aims also to set up a regulatory framework that enables and incentivises all market participants to take the transitional role of fossil gas into account while planning their activities to avoid lock-in effects and ensure gradual and timely phase-out of fossil gas notably in all relevant industrial sectors and for individual heating purposes, while mitigating increasing energy poverty.

Or. en

Amendment 3

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) It is, generally, most efficient to finance infrastructure by revenues obtained from the users of that infrastructure and to avoid cross-subsidies. Moreover, such cross-subsidies would, in the case of regulated assets, be incompatible with the general principle of cost-reflective tariffs. In exceptional cases, such cross-subsidies could nonetheless bring societal benefits, in particular during earlier phases of network development where booked

Amendment

(8) It is, generally, most efficient to finance infrastructure by revenues obtained from the users of that infrastructure and to avoid cross-subsidies. Moreover, such cross-subsidies would, in the case of regulated assets, be incompatible with the general principle of cost-reflective tariffs. In exceptional cases, such cross-subsidies could nonetheless bring societal benefits, in particular during earlier phases of network development where booked
capacity is low compared to technical capacity and uncertainty as to when future capacity demand will materialise is significant. Cross-subsidies could therefore contribute to reasonable and predictable tariffs for early network users and de-risk investments for network operators. Cross-subsidies could thus contribute to an investment climate supportive to the Union’s, decarbonisation objectives. Cross-subsidies should not be financed by network users in other Member States, regardless as to whether directly or indirectly. It is thus appropriate to collect financing for cross-subsidies only from exit points to final customers within the same Member State. Moreover, as cross-subsidies are exceptional, it should be ensured that they are proportional, transparent, limited in time and set under regulatory supervision.

Justification

It is important to provide predominantly transit Member States the necessary tools to develop the hydrogen networks without the need to redistribute the costs throughout a limited number of exit points. Therefore, the collection of the dedicated charge that will ease the development of the hydrogen network should not be limited to end-users exit points of the gas network.

Amendment 4

Proposal for a regulation

Recital 25

Text proposed by the Commission

(25) Access to natural gas storage facilities and liquefied natural gas (LNG) facilities is insufficient in some Member States, and therefore the implementation of the existing rules needs to be improved, including as regards in the transparency area. Such improvement should take into account the potential and uptake of renewable and low-carbon gases for these facilities.

Amendment

(25) Access to natural gas storage facilities, liquefied natural gas (LNG) facilities and hydrogen facilities is insufficient or non-existent in some Member States, and therefore the implementation of the existing rules needs to be improved as regards transparency and the objectives of the communication of the Commission of 18 May 2022 on
facilities in the internal market. Monitoring by the European Regulators' Group for Electricity and Gas concluded that the voluntary guidelines for good third-party access practice for storage system operators, agreed by all stakeholders at the Madrid Forum, are being insufficiently applied and therefore need to be made binding.

REPowerEU Plan (the ‘REPowerEU Plan’), in particular rapidly reducing the Union's dependence on Russian energy resources. Such improvement should take into account the potential and uptake of renewable and low-carbon gases, in particular hydrogen and biomethane, for these facilities in the internal market. Monitoring by the European Regulators' Group for Electricity and Gas concluded that the voluntary guidelines for good third-party access practice for storage system operators, agreed by all stakeholders at the Madrid Forum, are being insufficiently applied and therefore need to be made binding.

Or. en

*Justification*

The REPowerEU Plan set ambitious goals for hydrogen imports (10 mln tonnes by 2030) and biomethane production (35 bcm by 2030). This will require securing access to hydrogen and biomethane facilities for relevant Member States.

Amendment 5

Proposal for a regulation
Recital 43

*Text proposed by the Commission*

(43) The blending of hydrogen into the natural gas system is less efficient compared to using hydrogen in its pure form and diminishes the value of hydrogen. It also affects the operation of gas infrastructure, end-user applications, and the interoperability of cross-border systems. The Member States’ decision on whether to apply blending hydrogen in their national natural gas systems should be preserved. *At the same time, a harmonised approach on blending hydrogen into the natural gas system in the form of a Union-wide allowed cap at cross-border interconnection points between Union*

*Amendment*

(43) The blending of hydrogen into the natural gas system is a last resort solution, as it is less efficient compared to using hydrogen in its pure form and diminishes the value of hydrogen. It also affects the operation of gas infrastructure, end-user applications, and the interoperability of cross-border systems. The priority is the production and use of renewable and low-carbon hydrogen in their pure form in the hard-to-decarbonise sectors, such as in industry and transport applications. *At the same time, Member States’ decision on whether to apply blending hydrogen in their national natural gas systems should be*
Member States, where transmission system operators have to accept natural gas with a blended hydrogen level below the cap, would limit the risk of market segmentation. Adjacent transmission systems should remain free to agree on higher hydrogen blending levels for cross-border interconnection points.

Therefore, harmonised rules on coordination on cross-border restrictions due to differences in hydrogen blending levels will limit the risk of market segmentation.

Amendment 6
Proposal for a regulation
Recital 47

Text proposed by the Commission

(47) In order to ensure optimal management of the Union hydrogen network and to allow trading and supplying hydrogen across borders in the Union, a European Network of Network Operators for Hydrogen (‘ENNOH’) should be established. The tasks of the ENNOH should be carried out in compliance with Union competition rules. The tasks of the ENNOH should be well-defined and its working method should ensure efficiency, transparency and the representative nature of the ENNOH. The network codes prepared by ENNOH should not replace the necessary national network codes for non cross-border issues.

Amendment

(47) In order to ensure optimal management of the Union hydrogen network and to allow trading and supplying hydrogen across borders in the Union, ENTSO for Gas should be renamed as the joint EU organisation for Gas Transmission System Operators and Hydrogen Network Operators (ENTSOG&H) and incorporate Hydrogen Network Operators into its membership, while its tasks should be expanded to include hydrogen activities. Those tasks should be carried out in compliance with Union competition rules, be well-defined and be performed in a manner representative to gas and hydrogen. The working method of ENTSOG&H should ensure efficiency and transparency. The network codes prepared by ENTSOG&H should not replace the necessary national network codes for non cross-border issues.

Or. en
Amendment 7
Proposal for a regulation
Recital 48

Text proposed by the Commission

(48) Until the ENNOH is established, a temporary platform should be set up under the lead of the Commission with the involvement of ACER and all relevant market participants, including the ENTSO for Gas, the ENTSO for Electricity and the EU DSO entity. This platform should support early work on scoping and developing issues relevant for the building up of the hydrogen network and markets without formal decision-making powers. The platform should be dissolved once ENNOH is established. Until the ENNOH is established, the ENTSO for Gas will be responsible for the development of Union-wide network development plans, including hydrogen networks.

Or. en

Amendment 8
Proposal for a regulation
Recital 49

Text proposed by the Commission

(49) In order to ensure transparency regarding the development of the hydrogen network in the Union, the ENNOH should establish, publish and regularly update a non-binding Union-wide ten-year network development plan for hydrogen targeted at the needs of the developing hydrogen markets. Viable hydrogen transportation networks and necessary interconnections, relevant from a commercial point of view, should be included in that network development plan.

(49) In order to ensure the transparent and efficient development of the hydrogen network in the Union, the ENTSOG&H should establish, publish and regularly update a single, non-binding Union-wide ten-year network development plan for gas and hydrogen paying due consideration to the needs of the developing hydrogen markets. Viable hydrogen transportation networks and necessary interconnections, relevant from a commercial point of view, should be included in that network
The ENNOH should participate in the development of the energy system wide cost-benefit analysis – including the interlinked energy market and network model including electricity, gas and hydrogen transport infrastructure as well as storage, LNG and electrolysers –, the scenarios for the ten-year network development plans and the infrastructure gaps identification report as set out in Articles 11, 12 and 13 of [the TEN-E Regulation as proposed in COM(2020) 824 final] for the development of the lists of projects of common interest. For that purpose, the ENNOH should closely cooperate with the ENTSO for Electricity and the ENTSO for Gas to facilitate system integration. The ENNOH should undertake those tasks for the first time for the development of the 8th list of projects of common interest, provided it is operational and in the position to deliver the necessary input to the ten-year network development plan by 2026.

Amendment 9
Proposal for a regulation
Recital 50

Text proposed by the Commission

(50) All market participants have an interest in the work expected of the ENNOH. An effective consultation process is therefore essential. Overall, ENNOH should seek, build on and integrate in its work experience with infrastructure planning, development and operation in cooperation with other relevant market participants and their associations.

Amendment

(50) All market participants have an interest in the work expected of the ENTSOG&H. An effective consultation process is therefore essential. Overall, ENTSOG&H should seek, build on and integrate in its work experience with infrastructure planning, development and operation in cooperation with other relevant market participants and their associations.

Or. en
Amendment 10
Proposal for a regulation
Recital 53

Text proposed by the Commission

(53) The ENNOH will establish a central, web-based platform for making available all data relevant for market participants to gain effective access to the network.

Amendment

(53) The ENTSOG&H will establish a central, web-based platform for making available all data relevant for market participants to gain effective access to the network.

Or. en

Amendment 11
Proposal for a regulation
Recital 57

Text proposed by the Commission

(57) The network codes prepared by the European Network of Network Operators for Hydrogen are not intended to replace the necessary national rules for non-cross-border issues.

Amendment

(57) The network codes prepared by the ENTSOG&H are not intended to replace the necessary national rules for non-cross-border issues.

Or. en

Amendment 12
Proposal for a regulation
Recital 71

Text proposed by the Commission

(71) Joint procurement of strategic stocks by several transmission operators of different Member States should be designed in a way so that they can be used in case of Union wide or regional emergency as part of the actions coordinated by the Commission pursuant to

Amendment

(71) Joint procurement of gas by several transmission operators of different Member States or other undertakings designated by the Member States should be designed in a way so that they can be used in the case of Union or regional emergency as part of the actions
Article 12(3) of Regulation (EU) 2017/1938. Transmission system operators which engage in joint procurement of strategic stocks shall ensure that any joint purchasing agreement complies with the EU competition rules, and in particular with the requirements of Article 101 TFEU. The notification done to assess the compliance with this Regulation is without prejudice to the notification of aids granted by States, where applicable, under Article 108(3) TFEU.

coordinated by the Commission pursuant to Article 12(3) of Regulation (EU) 2017/1938. Transmission system operators or other undertakings designated by the Member States which engage in joint procurement of gas shall ensure that any joint purchasing agreement complies with the EU competition rules, and in particular with the requirements of Article 101 TFEU. The notification done to assess the compliance with this Regulation is without prejudice to the notification of aids granted by States, where applicable, under Article 108(3) TFEU.

Or. en

Amendment 13

Proposal for a regulation
Article 2 – paragraph 1 – point 12

*Text proposed by the Commission*

(12) ‘network user’ means a customer or a potential customer of a system operator, and system operators themselves in so far as it is necessary for them to carry out their functions in relation to transport of natural gas and hydrogen;

*Amendment*

(12) ‘network user’ means a customer or a potential customer of a transmission system operator or hydrogen network operator, and transmission system operators or hydrogen network operators themselves in so far as it is necessary for them to carry out their functions in relation to transport of natural gas and hydrogen;

Or. en

Amendment 14

Proposal for a regulation
Article 3 a (new)

*Text proposed by the Commission*

Article 3a

Diversification of pipeline natural gas

*Amendment*

Diversification of pipeline natural gas
supplies obligation

In order to decrease dependence on pipeline natural gas imports from third countries and to diversify gas supplies to safeguard the security of energy supply and the essential security interests of the Union in line with the REPDataEU Plan objectives, each Member State shall ensure that pipeline natural gas supplied from any third country does not exceed 33% of relevant Member State's annual natural gas imports by 31 December 2026 and 25% by 31 December 2029. Those limitations shall not apply to imports from European Economic Area countries.

Or. en

Amendment 15

Proposal for a regulation
Article 3b (new)

Text proposed by the Commission

Amendment

Article 3b
Mainstreaming biomethane in the gas system

In order to support sustainable production of biomethane to safeguard the security of gas supply in the Union and decrease dependence on fossil natural gas imports, Member States shall, by 31 December 2030, ensure collectively that at least 35 bcm of biomethane is produced and injected into natural gas system at transmission system operators and distribution system operators levels in line with the REPDataEU Plan objectives.

Or. en
Amendment 16

Proposal for a regulation
Article 3c (new)

Text proposed by the Commission

Amendment

Article 3c

Upscaling renewable gases and low-carbon gases in coal and carbon-intensive regions

The Commission shall support and provide incentives to encourage the penetration of renewable gases and low-carbon gases, in particular hydrogen and biomethane, into the Union energy system, in particular in coal and carbon-intensive regions pursuant to Regulation (EU) 2021/1056 through an enabling framework that includes:

(a) additional financial resources, including Union funds, to facilitate a just transition of these regions with the aim of increasing the share of renewable gases and low-carbon gases, in particular in industrial processes, district heating and energy storage for enhancing flexibility of the energy system;

(b) effective support measures to accelerate the phase out of solid fossil fuels in industrial and district heating sectors through investments in their modernisation, innovation and development as well as to decarbonise existing fossil-based hydrogen production sites;

(c) upskilling and reskilling programmes and projects aiming to create and strengthen a hydrogen-ready workforce;

(d) the fast-track implementation of hydrogen valleys and Important Projects of Common European Interests (IPCEI), in particular innovation projects enabling the conversion from fossil fuels to renewable hydrogen and biomethane.
Amendment 17

Proposal for a regulation
Article 4 – paragraph 2 – introductory part

Text proposed by the Commission

2. A Member State may allow financial transfers between regulated services that are separate as meant in in the first paragraph, provided that:

Amendment

2. Notwithstanding paragraph 1, a Member State may allow financial transfers between regulated services that are separate as meant in the first paragraph, provided that:

Amendment 18

Proposal for a regulation
Article 4 – paragraph 2 – point b

Text proposed by the Commission

(b) the dedicated charge is collected only from exit points to final customers located within the same Member States as the beneficiary of the financial transfer;

Amendment

(b) the dedicated charge is collected from exit points to final customers located on any network within the same Member States as the beneficiary of the financial transfer; for cross-system network use financing, the dedicated charge may, additionally, be collected from other points, such as interconnection points, provided that the regulatory authorities of the Member States where the interconnection points are located reach an agreement; where the regulatory authorities concerned cannot reach an agreement within six months, ACER shall take a decision, following the process pursuant to Article 6(10) of Regulation (EU) 2019/942;

Or. en
Justification

It is important to provide predominantly transit Member States the necessary tools to develop the hydrogen networks without the need to redistribute the costs throughout a limited number of exit points. Therefore, the collection of the dedicated charge that will ease the development of the hydrogen network should not be limited to end-users exit points of the gas network.

Amendment 19

Proposal for a regulation
Article 4 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) the transfer does not lead to market distortions and does not negatively affect trade between Member States.

Or. en

Justification

The allowed financial transfers between regulated services constitutes an exception to the general rule where such transfers are not allowed. Therefore, it should be allowed only in extraordinary situation and under the condition that it will not lead to market distortions and will not negatively affect the trade between Member States.

Amendment 20

Proposal for a regulation
Article 4 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) a financial transfer is approved for a limited period in time and can never be longer than one third of the depreciation period of the infrastructure concerned.

(c) a financial transfer is approved for a limited period in time and can only be longer than one third of the depreciation period of the infrastructure concerned in duly justified circumstances.

Or. en
Amendment 21

Proposal for a regulation
Article 6 – paragraph 3

Text proposed by the Commission

3. The maximum duration for capacity contracts shall be 20 years for infrastructure completed by [date of entry into force] and 15 years for infrastructure completed after this date. Regulatory authorities shall have the right to impose shorter maximum durations if necessary to ensure market functioning, to safeguard competition and to ensure future cross-border integration.

Amendment

3. The maximum duration for capacity contracts shall be 20 years for infrastructure completed by [date of entry into force] and 15 years for infrastructure completed after this date. Regulatory authorities shall have the right to impose shorter maximum durations if necessary to ensure market functioning, to safeguard competition and to ensure future cross-border integration. When adopting a decision on the imposition of a shorter maximum duration, the regulatory authorities shall take into account negative implications on planning and refinancing possibilities.

Or. en

Justification

Shorter duration of contracts can have negative impact on network operators and initial customers who need security for the necessary investments into infrastructure needed for the uptake of the hydrogen market and refinancing of those.

Amendment 22

Proposal for a regulation
Article 6 – paragraph 7

Text proposed by the Commission

7. As of 1 January 2031, Article 15 shall apply also to tariffs for access to hydrogen networks. No tariffs shall be charged pursuant to Article 15 for access to hydrogen networks at interconnection points between Member States. Where a Member State decides to apply regulated third party access to hydrogen networks in accordance with Article 31 of [recast Gas Articles 16 and 17] shall not apply. Where a Member State decides to apply regulated third party access to hydrogen networks in accordance with Article 31 of [recast Gas Directive] before 1 January 2031, paragraph 1 of Article 15 shall be applicable to access

Amendment

7. As of 1 January 2031, Article 15 shall apply also to tariffs for access to hydrogen networks. Articles 16 and 17 shall not apply. Where a Member State decides to apply regulated third party access to hydrogen networks in accordance with Article 31 of [recast Gas Directive] before 1 January 2031, paragraph 1 of Article 15 shall be applicable to access
Directive] before 1 January 2031, paragraph 1 of Article 15 shall be applicable to access tariff to hydrogen networks in that Member State.

**Amendment 23**

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

*Text proposed by the Commission*

LNG and storage system operators shall, at least every two years, assess market demand for new investment allowing the use of renewable and low carbon gases in the facilities. When planning new investments, LNG and storage system operators shall assess market demand and take into account security of supply. LNG and storage system operators shall make publicly available any plans regarding new investments allowing the usage of renewable and low carbon gases in their facilities.

*Amendment*

LNG and storage system operators shall, *in cooperation with relevant regulatory authorities and* at least every two years, assess market demand for new investment allowing the use of renewable and low carbon gases in the facilities, *including repurposing for hydrogen derivatives and hydrogen terminals*. When planning new investments, LNG and storage system operators shall assess market demand and take into account security of supply. LNG and storage system operators shall make publicly available any plans regarding new investments allowing the usage of renewable and low carbon gases in their facilities.

*Justification*

*Renewable and low-carbon gases have different properties. Whilst biomethane is fully compatible with LNG terminals, this is not the case of hydrogen and its derivatives. At the same time, a hydrogen terminal could co-exist in a single facility together with an LNG terminal. Therefore, hydrogen terminals should be used in the short term for LNG and not the other way around. This will ensure that no assets are stranded.*

**Amendment 24**

**Proposal for a regulation**
**Article 15 – paragraph 2 a (new)**
2a. The regulatory authority may apply a discount of up to 100% to capacity-based transmission and distribution tariffs at entry points from and exit points to underground storage and LNG facilities, unless and to the extent that a storage facility which is connected to more than one transmission or distribution network is used to compete with an interconnection point. The Commission shall re-examine that tariff discount by ... [five years after the date of entry into force of this Regulation]. The Commission shall assess whether the level of the reduction set out in this Article remains adequate for the purpose of increasing security of supply and in light of the storage obligation pursuant to Article 6a of Regulation (EU) 2017/1938 of the European Parliament and of the Council\textsuperscript{1a}.


\textit{Justification}

This amendment is consistent with the Gas Storage Regulation.

\textbf{Amendment 25}

\textbf{Proposal for a regulation}

\textbf{Article 16 – paragraph 1 – point a}

\textit{Text proposed by the Commission} \\
(a) entry points from renewable and

\textit{Amendment} \\
(a) entry points from renewable and
low carbon production facilities. A discount of 75% shall be applied to the respective capacity-based tariffs for the purposes of scaling-up the injection of renewable and low-carbon gases; low carbon production facilities. A discount of 100% shall be applied to the respective capacity-based tariffs for the purposes of scaling-up the injection of renewable and low-carbon gases;

Or. en

Justification

This amendment aims to facilitate the production and integration of renewable and low-carbon gases, notably hydrogen and biomethane, into the existing natural gas system in the Union, in line with the REPowerEU objectives.

Amendment 26
Proposal for a regulation
Article 16 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) capacity-based transmission tariffs deleted at entry points from and exit points to storage facilities, unless a storage facility is connected to more than one transmission or distribution network and used to compete with an interconnection point. Such a discount shall be set at a level of 75% in the Member States where the renewable and low carbon gas was first injected into system.

Or. en

Justification

This amendment is consistent with the Gas Storage Regulation.

Amendment 27
Proposal for a regulation
Article 16 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Amendment

As of 1 January in the year after the Regulatory authorities shall assess the
adoption, network users shall receive a discount of 100% on the regulated tariff from the transmission system operator at all interconnection points, including entry points from and exit points to third countries as well as entry points from LNG terminals for renewable and low-carbon gases, after providing the respective transmission system operator with a proof of sustainability, based on a valid sustainability certificate pursuant to Articles 29 and 30 of Directive (EU) 2018/2001 of the European Parliament and of the Council\(^\text{10}\) and registered in the Union database.


Or. en

Amendment 28

Proposal for a regulation

Article 16 – paragraph 5 – subparagaraph 2

Text proposed by the Commission

Amendment

With regard to this discount: deleted

(a) Transmission system operators shall be required to provide the discount only for the shortest possible route in terms of border crossings between the location of where the specific proof of sustainability declaration, based on the sustainability certificate, was first recorded in the Union database and where it has been cancelled as considered consumed. Any potential auction premium shall not be covered by the discount.

(b) Transmission system operators
shall provide information on actual and expected volumes of renewable and low carbon gases and the effect of applying the tariff discount on their revenues towards the respective regulatory authority. Regulatory authorities shall monitor and assess the impact of the discount on tariff stability.

(c) Once the revenue of a transmission system operator from these specific tariffs is reduced by 10% as a result of applying the discount, the affected and all neighbouring transmission system operators are required to negotiate an inter transmission system operator compensation mechanism. The system operators concerned shall agree within 3 years. Where within that time period no agreement is reached, the involved regulatory authorities shall decide jointly on an appropriate inter transmission system operator compensation mechanism within 2 years. In absence of agreement among the regulatory authorities, Article 6 of ACER Regulation shall apply. Where the regulatory authorities have not been able to reach agreement within 2 years, or upon their joint request, ACER shall decide, in accordance with the second subparagraph of Article 6(10) of Regulation (EU) 2019/942.

(d) Further details required to implement the discount for renewable and low carbon gases, such as the calculation of the eligible capacity for which the discount applies and the required processes, shall be set in a network code established on the basis of Article 53 of this Regulation.

Or. en

Justification

The suggested mechanism could pose technical and economic challenges, while adversely affecting market liquidity and tradability of renewable and low-carbon gases. The amendment addresses the issue of grid connection costs as they can create obstacles for the swift
deployment of renewable and low-carbon gases projects. Regulatory authorities should define appropriate connection regimes facilitating the integration of renewable and low-carbon gases at a reasonable cost for producers and consumers, avoiding undue barriers discouraging entry in the system.

Amendment 29
Proposal for a regulation
Article 17 a (new)

Text proposed by the Commission

Amendment

Article 17a
Facilitating biomethane connections and potential analysis

1. Member States shall establish regional maps, identifying the areas with the highest potential for sustainable biogas and biomethane production and that fulfil the Union sustainability criteria within the meaning of Directive (EU) 2018/2001 due to the availability of raw materials, such as waste or residues, and existing operating biogas or biomethane plants.

2. Distribution system operators and transmission system operators shall be obliged to map connection potentials based on existing and expected capacity to facilitate connection requests, taking into consideration the potential for an increase of sustainable biogas and biomethane production provided on the basis of paragraph 1.

Or. en

Justification

This new article aims to facilitate the production and integration of biomethane in the existing natural gas system in the Union, in line with the REPowerEU objectives.
Amendment 30

Proposal for a regulation
Article 18 – paragraph 2

Text proposed by the Commission

2. Paragraph 1 shall be without prejudice to the possibility for transmission system operators to develop alternatives to reverse flow investments, such as smart grid solutions or connection to other network operators. Firm access may only be limited to offer capacities subject to operational limitations, in order to ensure economic efficiency. The regulatory authority shall ensure that any limitations in firm capacity or operational limitations are introduced on the basis of transparent and non-discriminatory procedures and do not create undue barriers to market entry. Where the production facility bears the costs related to ensuring firm capacity, no limitation shall apply.

Amendment

2. Paragraph 1 shall be without prejudice to the possibility for transmission system operators to develop alternatives to reverse flow investments, such as smart grid solutions or connection to other network operators. Firm access may only be limited to offer capacities subject to operational limitations, in order to ensure economic efficiency and safety. The regulatory authority shall ensure that any limitations in firm capacity or operational limitations are introduced on the basis of transparent and non-discriminatory procedures and do not create undue barriers to market entry. Where the production facility bears the costs related to ensuring firm capacity, no limitation shall apply.

Or. en

Amendment 31

Proposal for a regulation
Article 19 – paragraph 1

Text proposed by the Commission

1. Transmission system operators shall cooperate to avoid restrictions to cross-border flows due to gas quality differences on interconnection points between Union Member States.

Amendment

1. Transmission system operators shall cooperate to avoid restrictions to cross-border flows due to gas quality differences on interconnection points between Member States. When cooperating, transmission system operators shall take into account characteristics of installations of final gas customers. These customers' rights shall be taken into account in the legal requirements concerning gas quality in order to ensure the compatibility of gas
quality delivered to particular facilities.

Justification

The obligation of transmission system operators to cooperate in avoiding restrictions in cross-border gas flow due to gas quality differences should not have an impact on gas quality delivered to final customers. Their rights and perspective should be duly taken into account.

Amendment 32

Proposal for a regulation
Article 19 – paragraph 1 a (new)

Text proposed by the Commission

1a. For hydrogen blended into the natural gas system, this Article should apply only to gas flows with a hydrogen content up to 2% by volume.

Justification

The blending of hydrogen into the natural gas system is a last resort solution, as it is less efficient compared to using hydrogen in its pure form and diminishes the value of hydrogen.

Amendment 33

Proposal for a regulation
Article 19 – paragraph 1 b (new)

Text proposed by the Commission

1b. Member States shall ensure that diverging technical specifications, including gas quality parameters such as oxygen content and hydrogen blending in the natural gas system are not used to restrict cross-border gas flows.

Justification
Amendment 34
Proposal for a regulation
Article 19 – paragraph 4 – point a

Text proposed by the Commission

(a) cooperate and develop technically feasible options, without changing the gas quality specifications, which may include flow commitments and gas treatment, in order to remove the recognised restriction;

Amendment

(a) cooperate and develop technically feasible options, without changing the gas quality specifications, which may include flow commitments and gas treatment, in order to remove the recognised restriction and taking into account information provided by end-customers directly connected to the transmission system operator grid or distribution system operator that could be affected by that process;

Or. en

Amendment 35
Proposal for a regulation
Article 19 – paragraph 6

Text proposed by the Commission

6. The concerned regulatory authorities shall take a joint coordinated decision for removing the recognised restriction, taking into account the cost benefit analysis prepared by the concerned transmission system operators and the results of the public consultation within six months as set out in Article 6(10) of Regulation (EU) 2019/942.

Amendment

6. The concerned regulatory authorities shall take a joint coordinated decision for removing the recognised restriction or for stating that no further action should be pursued, taking into account the cost benefit analysis prepared by the concerned transmission system operators and the results of the public consultation within six months as set out in Article 6(10) of Regulation (EU) 2019/942.

Or. en
Amendment 36
Proposal for a regulation
Article 20

Text proposed by the Commission

Amendment

Article 20

Hydrogen blends at interconnection points between Union Member States in the natural gas system

1. Transmission system operators shall accept gas flows with a hydrogen content of up to 5% by volume at interconnection points between Union Member States in the natural gas system from 1 October 2025, subject to the procedure described in Article 19 of this Regulation.

2. When the hydrogen content blended in the natural gas system exceeds 5% by volume, the process described in Article 19 of this Regulation shall not apply.

3. Member States shall not use hydrogen blending in the natural gas system to restrict cross-border gas flows.

Or. en

Justification

This amendment is consistent with the changes made to Article 19.

Amendment 37
Proposal for a regulation
Article 20 a (new)

Text proposed by the Commission

Amendment

Article 20a

Common specifications for biomethane

The Commission is empowered to adopt implementing acts laying down common
specifications in order to facilitate the integration of biomethane in the existing natural gas system or may set out those specifications in a network code pursuant to Article 53(1), point (b), where:

(a) those specifications are not covered by harmonised standards or parts thereof, the references of which have been published in the Official Journal of the European Union;

(b) the Commission observes undue delays in the adoption of requested harmonised standards, or considers that relevant harmonised standards are not sufficient; or

(c) the Commission has decided in accordance with the procedure referred to in Article 11(5) of Regulation (EU) No 1025/2012 to maintain with restriction or to withdraw the references to the harmonised standards or parts thereof by which those requirements are covered.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 61(3).

Justification

A more strategic approach to standardisation is needed in order to achieve the policy objectives of the Union. This new article aims to tackle the existing technical barriers to trade biomethane in the Union as well as to facilitate the integration of biomethane in the existing natural gas system, in line with the REPowerEU objectives.

Amendment 38

Proposal for a regulation
Article 21 – title

Text proposed by the Commission

European network of transmission system operators for gas

Amendment

The joint EU organisation of Gas Transmission System Operators and Hydrogen Network Operators

PE734.108v01-00 30/83 PR\1258494EN.docx
Amendment 39
Proposal for a regulation
Article 21 – paragraph 1

**Text proposed by the Commission**

All transmission system operators shall cooperate at Union level through the **European Network of Transmission System Operators for Gas (the ENTSO for Gas)**, in order to promote the completion and functioning of the internal market in natural gas and cross-border trade and to ensure the optimal management, coordinated operation and sound technical evolution of the natural gas transmission network.

**Amendment**

All transmission system **operators and hydrogen network** operators shall cooperate at Union level through the **joint EU Organisation of Gas Transmission System Operators and Hydrogen Network Operators (ENTSOG&H)**, in order to promote the completion and functioning of the internal market in natural gas and **hydrogen** and cross-border trade and to ensure the optimal management, coordinated operation and sound technical evolution of the natural gas transmission network **and of the hydrogen network**.

**Justification**

To facilitate the efficient and rapid planning and development of future hydrogen networks, including through repurposing of existing gas networks, and build on synergies between gas and hydrogen infrastructure, the joint EU organisation of Gas Transmission System Operators and Hydrogen Network Operators (ENTSOG&H) should be created as a continuation of ENTSOG. Members will include all EU gas TSOs and all EU HNOs. Due to the expansion of mandate and membership, a new identity reflecting a revised scope of activity is needed.
Text proposed by the Commission

Organisation of the ENTSO for Gas

Amendment

Organisation of the joint EU organisation of Gas Transmission System Operators and Hydrogen Network Operators (ENTSO G&H)

Justification

Inextricably linked to AM 39.

Amendment 41

Proposal for a regulation

Article 22 – paragraph 1

Text proposed by the Commission

1. The ENTSO shall submit to the Commission and to ACER the draft statutes, a list of members and draft rules of procedure, including the rules of procedures on the consultation of other stakeholders, of the ENTSO for Gas in case of changes of those documents or upon a reasoned request of the Commission or ACER.

Amendment

1. By 1 September 2024, the ENTSOG&H shall submit to the Commission and to ACER the draft statutes, a list of members and candidates awaiting certification as hydrogen network operator and draft rules of procedure, including the rules of procedures on the consultation of other stakeholders, of the ENTSOG&H in the case of changes of those documents or upon a reasoned request of the Commission or ACER.

Or. en

Amendment 42

Proposal for a regulation

Article 22 – paragraph 1 a (new)
1a. In preparation for its compliance with paragraph 1, the ENTSOG&H shall conduct a public stakeholder consultation. The ENTSOG&H shall take into account the results of that consultation.

Amendment 43
Proposal for a regulation
Article 22 – paragraph 4

Text proposed by the Commission

4. Within three months of the day of receipt of the Commission's opinion the ENTSOG&H shall adopt and publish the revised statutes and rules of procedure of the ENTSOG&H.

Amendment

4. Within three months of the day of receipt of the Commission's opinion the ENTS OG&H shall adopt and publish the revised statutes and rules of procedure of the ENTSOG&H.

Amendment 44
Proposal for a regulation
Article 22 – paragraph 4 a (new)

Text proposed by the Commission

4a. The statutes of the ENTSOG&H referred to in paragraph 1 shall ensure the following:

(a) that participation in the work of the ENTSOG&H is limited to registered members with the possibility of delegation within the membership;

(b) that strategic decisions regarding the activities of the ENTSOG&H as well as policy guidelines for the board of the ENTSOG&H are adopted by the board of
the ENTSOG&H;

(c) that decisions of the general assembly are adopted in line with paragraph 4b;

(d) that the board of the ENTSOG&H is elected by the general assembly for a mandate of a maximum of four years;

(e) that the board nominates the President and the Vice-President from among the members of the board of the ENTSOG&H;

(f) that cooperation between transmission system operators for gas and hydrogen network operators pursuant to Article 21 is led by the board of the ENTSOG&H;

(g) on the basis of a proposal by the board of the ENTSOG&H, that the Secretary General is appointed by the general assembly for a mandate of four years, renewable once.

Or. en

**Justification**

*By enshrining the key principles for the ENTSOG&H statutes in the Gas Regulation, a clear framework can be defined regarding the structure of the organisation. This framework will provide clarity and direction for all gas TSOs and HNOs before joining the ENTSOG&H and minimise potential disputes during the transitional phase.*

**Amendment 45**

**Proposal for a regulation**

**Article 22 – paragraph 4 b (new)**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>4b. The rules of procedure referred to in paragraph 1 shall safeguard the fair and proportionate treatment of its members and shall reflect the diverse geographical, demographic, and economic structure of its members. In particular, they shall provide for the</td>
<td></td>
</tr>
</tbody>
</table>

board to be composed of:

(a) one President and one Vice-President designated respectively from the hydrogen network operators and the transmission system operators groups or vice-versa; and

(b) board members that are designated from both the transmission system operators’ representatives and the hydrogen network operators’ representatives, ensuring a fair balance between hydrogen network operators and transmission system operators.

The statutes of ENTSOG&H shall contain a minimum number of board members per category.

Or. en

Justification

By enshrining the key principles for the ENTSOG&H statutes in the Gas Regulation, a clear framework can be defined regarding the structure of the organisation. This framework will provide clarity and direction for all gas TSOs and HNOs before joining the ENTSOG&H and minimise potential disputes during the transitional phase.

Amendment 46

Proposal for a regulation

Article 22 – paragraph 4 c (new)

Text proposed by the Commission

Amendment

4c. The statutes will provide for clear organisational rules, including with regard to the budget, within the ENTSOG&H while ensuring efficiency and shared services being provided by the ENTSOG&H staff to both gas transmission system operators and transmission system operators.

Or. en
Justification

By enshrining the key principles for the ENTSOG&H statutes in the Gas Regulation, a clear framework can be defined regarding the structure of the organisation. This framework will provide clarity and direction for all gas TSOs and HNOs before joining the ENTSOG&H and minimise potential disputes during the transitional phase.

Amendment 47
Proposal for a regulation
Article 23 – title

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tasks of the ENTSO for Gas</td>
<td>Tasks of the joint EU organisation of Gas Transmission System Operators and Hydrogen Network Operators (ENTSO&amp;H)</td>
</tr>
</tbody>
</table>

Or. en

Amendment 48
Proposal for a regulation
Article 23 – paragraph 1

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The ENTSO for Gas shall elaborate network codes in the areas referred to in paragraph 6 of this Article upon a request addressed to it by the Commission in accordance with Article 53(9).</td>
<td>1. The ENTSOG&amp;H shall elaborate network codes in the areas set out in Articles 53 and 54 upon a request addressed to it by the Commission in accordance with Article 53(9) or Article 54(9).</td>
</tr>
</tbody>
</table>

Or. en

Amendment 49
Proposal for a regulation
Article 23 – paragraph 2
2. The **ENTSO for Gas** may elaborate network codes in the areas set out in paragraph 6 with a view to achieving the objectives set out in Article 21 where those network codes do not relate to areas covered by a request addressed to it by the Commission. Those network codes shall be submitted to ACER for an opinion. That opinion shall be duly taken into account by the **ENTSO for Gas**.

2. The **ENTSOG&H** may elaborate network codes in the areas set out in Articles 53 and 54 with a view to achieving the objectives set out in Article 21 where those network codes do not relate to areas covered by a request addressed to it by the Commission. Those network codes shall be submitted to ACER for an opinion. That opinion shall be duly taken into account by the **ENTSOG&H**.

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**Amendment 50**

Proposal for a regulation

Article 23 – paragraph 3 – introductory part

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**Text proposed by the Commission**

3. The **ENTSO for Gas** shall adopt:

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**Amendment**

3. The **ENTSOG&H** shall adopt:

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**Amendment 51**

Proposal for a regulation

Article 23 – paragraph 3 – point b

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**Text proposed by the Commission**

(b) a non-binding Union-wide ten-year network development plan (Union-wide network development plan), including a European supply adequacy outlook, every two years;

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**Amendment**

(b) a non-binding Union-wide ten-year network development plan (Union-wide network development plan) for gas and hydrogen networks including **European Plan for Priority Corridors for Hydrogen consistent with Annex I to Regulation (EU) 2022/869** and reinforced by the **REPowerEU Plan**, and a European supply adequacy outlook, every two years; **the Union-wide network development plan for gas and hydrogen shall, where possible**,
be harmonised with the Union-wide network development plan for electricity;

Amendment 52

Proposal for a regulation
Article 23 – paragraph 3 – point c

Text proposed by the Commission

(c) recommendations relating to the coordination of technical cooperation between Union and third-country transmission system operators;

Amendment

(c) recommendations relating to the coordination of technical cooperation between Union and third-country transmission system operators and third-country hydrogen network operators;

Amendment 53

Proposal for a regulation
Article 23 – paragraph 3 – point c a (new)

Text proposed by the Commission

(ca) recommendations relating to the coordination of technical cooperation in the Union between gas transmission and distribution system operators on one hand, and hydrogen network operators on the other;

Amendment

(ca) recommendations relating to the coordination of technical cooperation in the Union between gas transmission and distribution system operators on one hand, and hydrogen network operators on the other;

Amendment 54

Proposal for a regulation
Article 23 – paragraph 3 – point g
(g) a gas quality monitoring report by 15 May 2024 at the latest and every two years afterwards, including developments of gas quality parameters, developments of the level and volume of hydrogen blended into the natural gas system, forecasts for the expected development of gas quality parameters and of the volume of hydrogen blended into the natural gas system, the impact of blending hydrogen on cross-border flows as well as information on cases related to differences in gas quality specifications or in specifications of blending levels and how such cases were settled.

(g) a gas quality monitoring report by 15 May 2024 and a gas and hydrogen quality monitoring report by 15 May 2026 at the latest and every two years afterwards, including developments of gas quality parameters, developments of the level and volume of hydrogen blended into the natural gas system, forecasts for the expected development of gas quality parameters and of the volume of hydrogen blended into the natural gas system, the impact of blending hydrogen on cross-border flows as well as information on cases related to differences in gas quality specifications or in specifications of blending levels and how such cases were settled.

Amendment 55
Proposal for a regulation
Article 23 – paragraph 3 – point h

Text proposed by the Commission

(h) The gas quality monitoring report shall also cover the development for the areas listed in point (g) where as far as relevant for the distribution network, based on information provided by the entity of distribution system operators in the Union (‘EU DSO entity’).

Amendment

(g) the gas and hydrogen quality monitoring report shall also cover the development for the areas listed in point (h) where as far as relevant for the distribution network, based on information provided by the entity of distribution system operators in the Union (‘EU DSO entity’).

Amendment 56
Proposal for a regulation
Article 23 – paragraph 4 – introductory part
4. The European supply adequacy outlook referred to in paragraph 3, point (b), shall cover the overall adequacy of the gas system to supply current and projected demands for gas for the next five-year period as well as for the period between five and 10 years from the date of that outlook. The European supply adequacy outlook shall build on national supply outlooks prepared by each individual transmission system operator.

Amendment

4. The European supply adequacy outlook referred to in paragraph 3, point (b), shall cover the overall adequacy of the gas and hydrogen systems to supply current and projected demands for gas and hydrogen for the next five-year period as well as for the period between five and 10 years from the date of that outlook. The European supply adequacy outlook shall build on national supply outlooks prepared by each individual gas transmission system operator and hydrogen network operator.

Justification

Inextricably linked to AM 39.

Amendment 57

Proposal for a regulation

Article 23 – paragraph 4 – subparagraph 1

The Union-wide network development plan referred to in paragraph 3, point (b), shall include the modelling of the integrated network, including hydrogen networks, scenario development, a European supply adequacy outlook and an assessment of the resilience of the system.

Amendment

The Union-wide network development plan referred to in paragraph 3, point (e), shall include the modelling of the integrated network, including hydrogen networks, scenario development, a European supply adequacy outlook and an assessment of the resilience of the system.

Justification

Inextricably linked to AM 39.
Amendment 58

Proposal for a regulation
Article 23 – paragraph 6

Text proposed by the Commission

6. The network codes referred to in paragraphs 1 and 2 shall cover the following areas, taking into account, if appropriate, regional special characteristics:

(a) network security and reliability rules;
(b) network connection rules;
(c) third-party access rules;
(d) data exchange and settlement rules;
(e) interoperability rules;
(f) operational procedures in an emergency;
(g) capacity-allocation and congestion-management rules;
(h) rules for trading related to technical and operational provision of network access services and system balancing;
(i) transparency rules;
(j) balancing rules including network-related rules on nominations procedure, rules for imbalance charges and rules for operational balancing between transmission system operators’ systems;
(k) rules regarding harmonised transmission tariff structures;
(l) energy efficiency regarding gas networks;
(m) cyber security regarding gas networks.

Amendment

deleted

Or. en
Justification

Inextricably linked to AM 39.

Amendment 59

Proposal for a regulation
Article 23 – paragraph 8

Text proposed by the Commission

8. The ENTSO for Gas shall monitor and analyse the implementation of the network codes and the guidelines adopted by the Commission in accordance with Article 53(13) or 56 , and their effect on the harmonisation of applicable rules aimed at facilitating market integration. The ENTSO for Gas shall report its findings to the Agency and shall include the results of the analysis in the annual report referred to in paragraph 3, point (e), of this Article.

Amendment

8. The ENTSOG&H shall monitor and analyse the implementation of the network codes and the guidelines adopted by the Commission in accordance with Article 53(13), 54 or 56, and their effect on the harmonisation of applicable rules aimed at facilitating market integration. The ENTSOG&H shall report its findings to the Agency and shall include the results of the analysis in the annual report referred to in paragraph 3, point (f).

Or. en

Justification

Inextricably linked to AM 39.

Amendment 60

Proposal for a regulation
Article 23 – paragraph 9

Text proposed by the Commission

9. The ENTSO for Gas shall make available all information required by ACER to fulfil its tasks under Article 24(1).

Amendment

9. The ENTSOG&H shall make available all information required by ACER to fulfil its tasks under Article 24. In order to enable the ENTSOG&H to meet that requirement, transmission system operators and hydrogen network operators shall provide the ENTSOG&H with the requested information.
Amendment 61
Proposal for a regulation
Article 23 – paragraph 11

11. Upon request of the Commission, the ENTSO for Gas shall give its views to the Commission on the adoption of the guidelines as laid down in Article 56.

Amendment
11. Upon request of the Commission, the ENTSOG&H shall give its views to the Commission on the adoption of the guidelines as laid down in Article 56.

Justification
Inextricably linked to AM 39.

Amendment 62
Proposal for a regulation
Article 23 – paragraph 11 a (new)

11a. The ENTSOG&H shall promote cyber security and data protection in cooperation with relevant authorities and regulated entities.

Justification
Inextricably linked to AM 39.
Amendment 63
Proposal for a regulation
Article 24 – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. ACER shall monitor the execution of the tasks referred to in Article 23(1), (2) and (3) of the ENTSO for Gas and report to the Commission.

Amendment

1. ACER shall monitor the execution of the tasks referred to in Article 23(1), (2) and (3) of the ENTSOG&H and report to the Commission.

Or. en

Amendment 64
Proposal for a regulation
Article 24 – paragraph 1 – subparagraph 2

Text proposed by the Commission

ACER shall monitor the implementation by the ENTSO for Gas of network codes elaborated under Article 23(2) and network codes which have been developed in accordance with Article 53 (1) to (12) but which have not been adopted by the Commission under Article 53(13). Where the ENTSO for Gas has failed to implement such network codes, ACER shall request the ENTSO for Gas to provide a duly reasoned explanation as to why it has failed to do so. ACER shall inform the Commission of that explanation and provide its opinion thereon.

Amendment

ACER shall monitor the implementation by the ENTSOG&H of network codes elaborated under Article 23(2) and network codes which have been developed in accordance with Article 53 (1) to (12) or Article 54(1) to (12) but which have not been adopted by the Commission under Articles 53(13) or 54(13). Where the ENTSOG&H has failed to implement such network codes, ACER shall request the ENTSOG&H to provide a duly reasoned explanation as to why it has failed to do so. ACER shall inform the Commission of that explanation and provide its opinion thereon.

Or. en

Amendment 65
Proposal for a regulation
Article 24 – paragraph 1 – subparagraph 3
ACER shall monitor and analyse the implementation of the network codes and the guidelines adopted by the Commission as laid down in Articles 52, 53, 55 and 56, and their effect on the harmonisation of applicable rules aimed at facilitating market integration as well as on non-discrimination, effective competition and the efficient functioning of the market, and report to the Commission.

Amendment 66

Proposal for a regulation
Article 24 – paragraph 2 – introductory part

Text proposed by the Commission

2. The ENTSO for Gas shall submit the draft Union-wide network development plan, the draft annual work programme, including the information regarding the consultation process and the other documents referred to in Article 23 (3), to ACER for its opinion.

Amendment

2. The ENTSOG&H shall submit the draft Union-wide network development plan, the draft annual work programme, including the information regarding the consultation process and the other documents referred to in Article 23 (3), to ACER for its opinion.

Amendment 67

Proposal for a regulation
Article 24 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Within two months from the day of receipt, ACER shall provide a duly reasoned opinion as well as recommendations to the ENTSO for Gas and to the Commission where it considers that the draft annual

Amendment

Within two months from the day of receipt, ACER shall provide a duly reasoned opinion as well as recommendations to the ENTSOG&H and to the Commission where it considers that the draft annual
work programme or the draft *Union-wide* network development plan submitted by the ENTSO for Gas do not contribute to non-discrimination, effective competition, the efficient functioning of the market or a sufficient level of cross-border interconnection open to third-party access.

work programme or the draft *Union-wide* network development plan submitted by the ENTSOG&H do not contribute to non-discrimination, effective competition, the efficient functioning of the market or a sufficient level of cross-border interconnection open to third-party access.

**Amendment 68**

**Proposal for a regulation**  
**Article 27 – paragraph 1**

*Text proposed by the Commission*

The costs related to the activities of the ENTSO for Gas referred to in Articles 21 to 23, 52 and 53 of this Regulation, and in Article 11 of Regulation (EU) No 347/2013 of the European Parliament and of the Council shall be borne by the transmission system operators and shall be taken into account in the calculation of tariffs. Regulatory authorities shall approve those costs only if they are reasonable and appropriate.

*Amendment*

The costs related to the activities of the ENTSOG&H referred to in Articles 21 to 23, 52, 53 and 54 of this Regulation, and in Article 11 of Regulation (EU) No 347/2013 of the European Parliament and of the Council shall be borne by the gas transmission system operators and the hydrogen network operators and shall be taken into account in the calculation of tariffs. Regulatory authorities shall approve those costs only if they are reasonable and appropriate. *The ENTSOG&H shall ensure that membership fees from gas transmission system operators and hydrogen network operators will be proportionate and accounted separately and transparently for their respective activities.*

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Justification

Adapted to ensure the transparent integration of gas transmission system operators and hydrogen network operators in the ENTSOG&H

Amendment 69

Proposal for a regulation
Article 28 – title

Text proposed by the Commission
Regional cooperation of transmission system operators

Amendment
Regional cooperation of transmission system operators and hydrogen network operators

Or. en

Amendment 70

Proposal for a regulation
Article 28 – paragraph 1

Text proposed by the Commission
1. Transmission system operators shall establish regional cooperation within the ENTSO for Gas to contribute to the tasks referred to in Article 23 (1), (2) and (3).

Amendment
1. Transmission system operators and hydrogen network operators shall establish regional cooperation within the ENTSOG&H to contribute to the tasks referred to in Article 23 (1), (2) and (3).

Or. en

Justification

Adapted to ensure integration of gas transmission system operators and hydrogen network operators in the ENTSOG&H after proposal to completely remove ENNOH and deletion of article 47 (Regional cooperation of hydrogen network operators).

Amendment 71

Proposal for a regulation
Article 28 – paragraph 2
2. Transmission system operators shall promote operational arrangements in order to ensure the optimum management of the network and shall promote the development of energy exchanges, the coordinated allocation of cross-border capacity through non-discriminatory market-based solutions, paying due attention to the specific merits of implicit auctions for short-term allocations and the integration of balancing mechanisms.

Amendment

Transmission system operators and hydrogen network operators shall promote operational arrangements in order to ensure the optimum management of the network and shall promote the development of energy exchanges, the coordinated allocation of cross-border capacity through non-discriminatory market-based solutions, paying due attention to the specific merits of implicit auctions for short-term allocations and the integration of balancing mechanisms.

Justification

Adapted to ensure integration of gas transmission system operators and hydrogen network operators in the ENTSOG&H after proposal to completely remove ENNOH and deletion of article 47 (Regional cooperation of hydrogen network operators).

Amendment 72

Proposal for a regulation
Article 29 – paragraph 2 – point c

(c) identify investment gaps, notably with respect to cross-border capacities.

 Amend:
(c) identify investment gaps, notably with respect to cross-border capacities, where available considering the European Plan for Priority Corridors for Hydrogen consistent with Annex I to Regulation (EU) 2022/869 and reinforced by the REPowerEU Plan.

Justification

Proposed amendment is limited to the integration of H2-related task in TYNDP after proposal to completely remove ENNOH and deletion of article 43 (Ten-year network development plan for hydrogen).
Amendment 73

Proposal for a regulation
Article 33 – paragraph 2

Text proposed by the Commission

2. Paragraph 1 shall be without prejudice to the possibility for distribution system operators to develop alternatives to reverse flow investments, such as smart grid solutions or connection to other network operators. Firm access may only be limited to offer capacities subject to operational limitations, in order to ensure economic efficiency. The regulatory authority shall ensure that any limitations in firm capacity or operational limitations are introduced on the basis of transparent and non-discriminatory procedures and do not create undue barriers to market entry. Where the production facility bears the costs related to ensuring firm capacity, no limitation shall apply.

Amendment

2. Paragraph 1 shall be without prejudice to the possibility for distribution system operators to develop alternatives to reverse flow investments, such as smart grid solutions or connection to other network operators. Firm access may only be limited to offer capacities subject to operational limitations, in order to ensure economic efficiency and safety. The regulatory authority shall ensure that any limitations in firm capacity or operational limitations are introduced on the basis of transparent and non-discriminatory procedures and do not create undue barriers to market entry. Where the production facility bears the costs related to ensuring firm capacity, no limitation shall apply.

Or. en

Amendment 74

Proposal for a regulation
Article 34 – title

Text proposed by the Commission

Cooperation between distribution system operators and transmission system operators

Amendment

Cooperation between distribution system operators, transmission system operators and hydrogen network operators

Or. en
**Amendment 75**

Proposal for a regulation  
Article 34 – paragraph 1

**Text proposed by the Commission**

Distribution system operators shall cooperate with other distribution system operators and transmission system operators to coordinate maintenance, system development, new connections and the operation of the system to ensure system integrity and with a view to maximise capacity and minimise the use of fuel gas.

**Amendment**

Distribution system operators shall cooperate with other distribution system operators, transmission system operators and hydrogen network operators to coordinate maintenance, system development, new connections and the operation of the system to ensure system integrity and with a view to maximise capacity and minimise the use of fuel gas.

**Justification**

Adapted to ensure integration of gas transmission system operators and hydrogen network operators in the ENTSOG&H.

**Amendment 76**

Proposal for a regulation  
Article 38 – paragraph 3 – point c

**Text proposed by the Commission**

(c) work on identifying best practices for the implementation of the results of the assessments pursuant to Article 23(1a) [proposal for REDIII] and Article 23 [proposal for revised EED] and for the cooperation between operators of electricity distribution networks, of natural gas distribution networks and of district heating and cooling systems including for the purpose of the assessment pursuant to Article 24(8) [proposal for REDIII].

**Amendment**

(c) work on identifying best practices for the implementation of the results of the assessments pursuant to Article 23(1a) [proposal for REDIII] and Article 23 [proposal for revised EED] and for the cooperation between operators of electricity distribution networks, of natural gas distribution networks and of district heating and cooling systems including for the purpose of the assessment pursuant to Article 24(8) [proposal for REDIII], including recommendations for the suitable placement of electrolysers with a view to ensure the use of waste heat in district heating network.
System integration will help develop a more efficient, sustainable and resilient energy system. Electrolysers produce a lot of waste heat. By placing these installations adequately, a share of this energy could be used in district heating networks.

Amendment 77
Proposal for a regulation
Article 38 – paragraph 4

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. The EU DSO entity shall provide input to the ENTSO for Gas for its reporting on gas quality, with regard to the distribution networks where distribution system operators are responsible for gas quality management, as referred to in Article 23(3).</td>
<td>4. The EU DSO entity shall provide input to the ENTSOG&amp;H for its reporting on gas and hydrogen quality, with regard to the distribution networks where distribution system operators are responsible for gas quality management, as referred to in Article 23(3).</td>
</tr>
</tbody>
</table>

Justification
Adapted to ensure integration of gas transmission system operators and hydrogen network operators in the joint organisation.

Amendment 78
Proposal for a regulation
Article 40

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>[...] deleted</td>
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</table>

Justification
Adapted upon creation of the ENTSOG&H.
Amendment 79

Proposal for a regulation
Article 41

Text proposed by the Commission Amendment

Article 41 deleted

Transition to the ENNOH

1. Until the ENNOH is established in line with Article 40, the Commission will set up a temporary platform involving ACER and all relevant market participants, including the ENTSO for Gas, the ENTSO for Electricity and the EU DSO entity and ensures its administrative support. This platform will promote work on scoping and developing issues relevant for the building up of the hydrogen network and markets. The platform will cease to exist once ENNOH is established.

2. Until the ENNOH is established, the ENTSO for Gas will be responsible for the development of Union-wide network development plans for gas and hydrogen networks. In carrying out this task ENTSO for Gas shall ensure the effective consultation and inclusion of all market participants, including hydrogen market participants.

Or. en

Justification

Adapted upon creation of the ENTSOG&H.

Amendment 80

Proposal for a regulation
Article 42

Text proposed by the Commission Amendment

[...]

deleted
Adapted upon deletion of ENNOH. All ENNOH foreseen tasks already included in the (amended) art 23 (Tasks of the joint EU organisation of Gas Transmission System Operators and Hydrogen Network Operators (ENTSOG&H)).

Amendment 81
Proposal for a regulation
Article 43

Text proposed by the Commission

Amendment

Article 43 deleted

Ten-year network development plan for hydrogen

1. The Union-wide ten-year network development plan referred to in Article 42 shall include the modelling of the integrated network, scenario development and an assessment of the resilience of the system.

The Union-wide ten-year network development plan shall in particular:

(a) build on the national hydrogen network development reporting as set out in Article 52 of recast Gas Directive where available and Chapter IV of Regulation (EU) xxx [TEN-E Regulation];

(b) regarding cross-border interconnections, also build on the reasonable needs of different network users and integrate long-term commitments from investors referred to in Articles 55 and Chapter IX Section 3 of recast Gas Directive;

(c) identify investment gaps, notably with respect to cross-border capacities.

With regard to the second subparagraph, point (c), a review of barriers to the increase of cross-border capacity of the network arising from different approval
procedures or practices may be annexed to the Union-wide network development plan.

2. ACER shall provide an opinion on the national hydrogen network development reports where relevant to assess their consistency with the Union-wide network development plan. If ACER identifies inconsistencies between a national hydrogen network development report and the Union-wide network development plan, it shall recommend amending the national hydrogen network development report or the Union-wide network development plan as appropriate.

3. When developing the Union-wide ten-year network development plan as referred to in Article 42, the ENNOH shall cooperate with the ENTSO for Electricity and with the ENTSO for Gas, in particular on the development of the energy system wide cost-benefit analysis and the interlinked energy market and network model including electricity, gas and hydrogen transport infrastructure as well as storage, LNG and hydrogen terminals and electrolysers referred to in Article 11 [TEN-E revision], the scenarios for the Ten-Year Network Development Plans referred to in Article 12 [TEN-E revision] and the infrastructure gaps identification referred to in Article 13 [TEN-E revision].

Justification

Adapted upon deletion of ENNOH. All ENNOH foreseen tasks already included in the (amended) article 29 (Ten-years network development plan).

Amendment 82

Proposal for a regulation
Article 44
Text proposed by the Commission

Amendment

Article 44

Costs

The costs related to the activities of the ENNOH for Hydrogen referred to in Articles 42 of this Regulation shall be borne by the hydrogen network operators and shall be taken into account in the calculation of tariffs. Regulatory authorities shall approve those costs only if they are reasonable and appropriate.

Or. en

Justification

Adapted upon deletion of ENNOH. Already covered by (amended) article 27 (Costs).

Amendment 83

Proposal for a regulation

Article 45

Text proposed by the Commission

Amendment

Article 45

Consultation

1. While preparing the proposals pursuant to the tasks referred to in Article 42, the ENNOH shall conduct an extensive consultation process at an early stage and in an open and transparent manner, involving all relevant market participants, and in particular the organisations representing all stakeholders, in accordance with the rules of procedure referred to in Article 40 of this Regulation. The consultation process shall accommodate stakeholder comments before the final adoption of the proposal, aiming at identifying the views and proposals of all relevant parties during the decision-making process. The consultation shall also involve regulatory
authorities and other national authorities, producers, network users including customers, technical bodies and stakeholder platforms.

2. All documents and minutes of meetings related to the consultation shall be made public.

3. Before adopting the proposals referred to in Article 42 the ENNOH shall indicate how the observations received during the consultation have been taken into consideration. It shall provide reasons where observations have not been taken into account.

Justification

Adapted upon deletion of ENNOH. Already covered by article 26 (Consultations).

Amendment 84

Proposal for a regulation

Article 46

Text proposed by the Commission

Amendment

Article 46 deleted

Monitoring by ACER

1. ACER shall monitor the execution of the tasks of the ENNOH referred to in Article 42 and report its findings to the Commission.

2. ACER shall monitor the implementation by the ENNOH of network codes and guidelines adopted by the Commission as laid down in Articles 54, 55, and 56. Where the ENNOH has failed to implement such network codes or guidelines, ACER shall request the ENNOH to provide a duly reasoned explanation as to why it has failed to do so. ACER shall inform the Commission of that explanation and provide its opinion.
thereon.

3. The ENNOH shall submit the draft Union-wide network development plan, the draft annual work programme, including the information regarding the consultation process, and the other documents referred to in Article 42 to ACER for its opinion.

Where it considers that the draft annual work programme or the draft Union-wide network development plan submitted by the ENNOH does not contribute to non-discrimination, effective competition, the efficient functioning of the market or a sufficient level of cross-border interconnection, ACER shall provide a duly reasoned opinion as well as recommendations to the ENNOH and to the Commission within two months of the submission of the programme or the plan.

Or. en

Justification

Adapted upon deletion of ENNOH. Already covered by article 24 (Monitoring by ACER).

Amendment 85

Proposal for a regulation
Article 47

Text proposed by the Commission

Amendment

Article 47 deleted

Regional cooperation of hydrogen network operators

1. Hydrogen network operators shall establish regional cooperation within the ENNOH to contribute to the tasks referred to in Article 42.

2. Hydrogen network operators shall promote operational arrangements in order to ensure the optimum management of the network and shall ensure
interoperability of the interconnected Union hydrogen system for facilitating commercial and operational cooperation between adjacent hydrogen network operators.

Justification

Adapted upon deletion of ENNOH. Already covered by article 28 (Regional cooperation of transmission system operators).

Amendment 86
Proposal for a regulation
Article 53 – paragraph 2 – point f a (new)

Text proposed by the Commission

Amendment

(fa) third-party access rules;

Amendment 87
Proposal for a regulation
Article 53 – paragraph 2 – point f b (new)

Text proposed by the Commission

Amendment

(fb) transparency rules.

Amendment 88
Proposal for a regulation
Article 53 – paragraph 10

Text proposed by the Commission

Amendment

10. The ENTSO for Gas, or where provided for in the priority list referred to

10. The ENTSOG&H, or where provided for in the priority list referred to
in paragraph 3 the EU DSO entity, in cooperation with the ENTSO for Gas, shall convene a drafting committee to support it in the network code development process. The drafting committee shall consist of representatives of ACER, the ENTSO for Gas, the ENNOH, where appropriate the EU DSO entity, and a limited number of the main affected stakeholders. The ENTSO for Gas or where provided for in the priority list pursuant to paragraph 3 the EU DSO entity, in cooperation with the ENTSO for Gas, shall develop proposals for network codes in the areas referred to in paragraphs 1 and 2 where so requested by the Commission in accordance with paragraph 9.

Amendment 89
Proposal for a regulation
Article 53 – paragraph 10 a (new)

Text proposed by the Commission

Amendment

10a. Within three months of the date of receipt of the network code, ACER shall provide a reasoned opinion to the ENTSOG&H or the EU DSO entity, as appropriate.

Or. en

Amendment 90
Proposal for a regulation
Article 53 – paragraph 10 b (new)

Text proposed by the Commission

Amendment

10b. The ENTSOG&H or the EU DSO entity in cooperation with the ENTSOG&H, as appropriate, may amend
the network code in light of the opinion of ACER and re-submit it to ACER.

Or. en

Amendment 91
Proposal for a regulation
Article 53 – paragraph 11

Text proposed by the Commission

11. ACER shall revise the proposed network code to ensure that it complies with the relevant framework guidelines and contributes to market integration, non-discrimination, effective competition, and the efficient functioning of the market, and shall submit the revised network code to the Commission within six months of receipt of the proposal. In the proposal submitted to the Commission, ACER shall take into account the views provided by all involved parties during the drafting of the proposal led by the ENTSO for Gas or the EU DSO entity and shall consult the relevant stakeholders on the version of the network code to be submitted to the Commission.

Amendment

11. ACER shall revise the re-submitted network code to ensure that it complies with the relevant framework guidelines and contributes to market integration, non-discrimination, effective competition, and the efficient functioning of the market, and shall submit the revised network code to the Commission within six months of receipt of the proposal. In the proposal submitted to the Commission, ACER shall take into account the views provided by all involved parties during the drafting of the proposal led by the ENTSOG&H or the EU DSO entity and shall consult the relevant stakeholders on the version of the network code to be submitted to the Commission.

Or. en

Amendment 92
Proposal for a regulation
Article 54 – paragraph 10

Text proposed by the Commission

10. The ENNOH shall convene a drafting committee to support it in the network code development process. The drafting committee shall consist of representatives of ACER, the ENTSO for Gas, the ENTSO for Electricity and where appropriate

Amendment

10. The ENTSOG&H shall convene a drafting committee to support it in the network code development process. The drafting committee shall consist of representatives of ACER, the ENTSO for Electricity and where appropriate the EU
appropriate the EU DSO entity, and a limited number of the main affected stakeholders. The European Network of Network Operators for Hydrogen shall develop proposals for network codes in the areas referred to in paragraphs 1 and 2.

Amendment 93
Proposal for a regulation
Article 54 – paragraph 10 a (new)

Text proposed by the Commission

Amendment

10a. Within three months of the date of receipt of a network code, ACER shall provide a reasoned opinion to the ENTSOG&H or the EU DSO, as appropriate.

Amendment 94
Proposal for a regulation
Article 54 – paragraph 10 b (new)

Text proposed by the Commission

Amendment

10b. The ENTSOG&H may amend the network code in light of the opinion of ACER and re-submit it to ACER.

Amendment 95
Proposal for a regulation
Article 54 – paragraph 11
11. ACER shall revise the proposed network code to ensure that it complies with the relevant framework guidelines and contributes to market integration, non-discrimination, effective competition, and the efficient functioning of the market and, shall submit the revised network code to the Commission within six months of receipt of the proposal. In the revised network code, ACER shall take into account the views provided by all involved parties during the drafting of the proposal led by the European Network of Hydrogen Network Operators and shall consult the relevant stakeholders on the revised version to be submitted to the Commission.

Amendment

11. ACER shall revise the re-submitted network code to ensure that it complies with the relevant framework guidelines and contributes to market integration, non-discrimination, effective competition, and the efficient functioning of the market and, shall submit the revised network code to the Commission within six months of receipt of the proposal. In the revised network code, ACER shall take into account the views provided by all involved parties during the drafting of the proposal led by the ENTSOG&H and shall consult the relevant stakeholders on the revised version to be submitted to the Commission.

Or. en

Amendment 96

Proposal for a regulation
Article 62 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

The Commission shall, by ... [3 months after the date of adoption of this Regulation] submit a report to the European Parliament and to the Council on derogations granted under Article 81 of [recast Gas Directive]. Thereafter, the Commission shall submit such a report upon the request of at least one Member State. The report shall, in particular, assess the impact of granted derogations on effective functioning of and competition in the internal market in natural gas as well as on security of energy supply and the essential security interests of the Union and the Member States, taking into account the principle of energy solidarity and the REPowerEU.
Plan objectives.

If the report finds that a derogation granted is detrimental to the effective functioning of or competition in the internal market in natural gas, to security of energy supply or the essential security interests of the Union or the Member States, the Commission shall, within one month of the submission of the report, adopt a decision requiring the relevant competent authority to revoke the derogation.

After the derogation is revoked, the relevant Member State shall ensure that the enforcement of rules set out in this Regulation and [recast Gas Directive] takes into account their effective application on Union territory and the integrated nature of the transmission line.

Amendment 97

Proposal for a regulation
Article 65 – paragraph 1 – point 16
Regulation (EU) 2019/942
Article 15 – paragraph 1

Text proposed by the Commission

ACER, in close cooperation with the Commission, the Member States and the relevant national authorities, including the regulatory authorities, and without prejudice to the competences of competition authorities, shall monitor the wholesale and retail markets in electricity and natural gas, in particular the retail prices of electricity and natural gas, compliance with the consumer rights laid down in Directive (EU) 2019/944 and [Gas Directive], the impact of market developments on household customers, access to the networks including access of electricity produced from renewable

Amendment

ACER, in close cooperation with the Commission, the Member States and the relevant national authorities, including the regulatory authorities, and without prejudice to the competences of competition authorities, shall monitor the wholesale and retail markets in electricity and natural gas, in particular the retail prices of electricity and natural gas, compliance with the consumer rights laid down in Directive (EU) 2019/944 and [Gas Directive], the impact of market developments on household customers, access to the networks including access of electricity produced from renewable
energy sources, the progress made with regard to interconnectors, potential barriers to cross-border trade, including the impact of blending hydrogen into the natural gas system and barriers to the cross-border flow of biomethane, regulatory barriers for new market entrants and smaller actors, including citizen energy communities and renewable energy communities, state interventions preventing prices from reflecting actual scarcity, such as those set out in Article 10(4) of Regulation (EU) 2019/943, the performance of the Member States in the area of security of supply of electricity based on the results of the European resource adequacy assessment as referred to in Article 23 of that Regulation, taking into account, in particular, the ex-post evaluation referred to in Article 17 of Regulation (EU) 2019/941.

Justification

A duty for ACER to assist or coordinate the role of NRAs in monitoring the development of energy communities should be inserted into the ACER Regulation. However, this duty should apply to both citizen energy communities and renewable energy communities, since they are co-equal concepts.

Amendment 98

Proposal for a regulation
Article 67 – paragraph 1 – point 2
Regulation (EU) 2017/1938
Article 2 – paragraph 1 – point 28

Text proposed by the Commission

(28) ‘strategic stock’ means gas purchased, managed and stored by transmission system operators exclusively for carrying out their functions as transmission system operators and for the purpose of security of supply. Gas stored as part of a strategic stock shall be dispatched only where required to keep deleted
the system in operation under secure and reliable conditions in line with Article 35 [recast Gas Directive as proposed in COM(2021) xxx] or in case of a declared emergency under Article 11 of Regulation (EU) 2017/1938 of the European Parliament and of the Council and can otherwise not be sold on wholesale gas markets;’

Justification

This amendment is consistent with the Gas Storage Regulation.

Amendment 99

Proposal for a regulation
Article 67 – paragraph 1 – point 8
Regulation (EU) 2017/1938
Article 7b – paragraph 2

Text proposed by the Commission

2. The common risk assessments and any subsequent updates shall include an analysis of the adequacy of the capacity of storage facilities available in the region, on the functioning of the storage capacities and their contribution to security of supply of the Union, including risks related to control of storage infrastructure relevant for the security of gas supply by third-country entities. This analysis shall compare the role of gas storages with alternative measures such as investments in energy efficiency and renewables.

Amendment

2. The common risk assessments and any subsequent updates shall include an analysis of the adequacy of the capacity of storage facilities available in the region, on the functioning of the storage capacities and their contribution to security of supply of the Union, including risks related to ownership or control of storage infrastructure relevant for the security of gas supply by third-country entities. This analysis shall compare the role of gas storages with alternative measures such as investments in energy efficiency and renewables.

Or. en
Amendment 100

Proposal for a regulation
Article 67 – paragraph 1 – point 8
Regulation (EU) 2017/1938
Article 7b – paragraph 3 – subparagraph 1

Text proposed by the Commission

3. Where the results of this analysis in the common risk assessment or in any updates to this assessment indicate that there is a risk at regional level, which may be a risk for one or several Member States of the same risk group, that cannot otherwise be addressed, the Member States shall consider one or several of the following measures:

a) obliging gas storage users to store a minimum volume of gas in underground storage,

b) tendering, auctioning or equivalent mechanisms which incentivise bookings of storage capacities under which the potential shortfalls in costs are covered,

c) obliging a transmission system operator to purchase and manage strategic stocks of gas,

d) allowing for a possibility to fully integrate storages in the network of the transmission system operator in case the storage would otherwise stop operations, if such stop of operations would put at risk the secure and reliable functioning of the transmission system.

Amendment

3. Where the results of this analysis in the common risk assessment or in any updates to this assessment indicate that there is a risk at regional level, which may be a risk for one or several Member States of the same risk group, that cannot otherwise be addressed, the Member States shall consider allowing for a possibility to fully integrate storages in the network of the transmission system operator in case the storage would otherwise stop operations, if such stop of operations would put at risk the secure and reliable functioning of the transmission system. Member States shall consult the relevant risk group before allowing for such a possibility, in particular with regard to how the measures address the risks identified in the common risk assessment.
The Gas Storage Regulation already largely addresses the concepts proposed, hence the deletion of points a-c), with the exception of point d) which is incorporated into paragraph 3, subparagraph 1.

Amendment 101

Proposal for a regulation
Article 67 – paragraph 1 – point 8
Regulation (EU) 2017/1938
Article 7b – paragraph 3 – subparagraph 2

Text proposed by the Commission
Such measures shall be subject to consultation in the relevant risk group, in particular on how the measures address the risks identified in the common risk assessment.

Amendment
deleted

Or. en
Justification
Incorporated into paragraph 3, subparagraph 1.

Amendment 102

Proposal for a regulation
Article 67 – paragraph 1 – point 8
Regulation (EU) 2017/1938
Article 7b – paragraph 3 a new

Text proposed by the Commission
3a. Member States in the relevant risk group shall agree on a common coordinated procedure to withdraw the gas stored in storage referred to in paragraph 3 of this Article in the case of an emergency, as referred to in Article 11(1). The common coordinated procedure shall include the procedure in
the case of withdrawal of gas as part of the actions coordinated by the Commission in the case of regional or Union emergency as referred to in Article 12(3).

Justification

Moved from Article 7b (6).

Amendment 103

Proposal for a regulation
Article 67 – paragraph 1 – point 8
Regulation (EU) 2017/1938
Article 7b – paragraph 4

Text proposed by the Commission

4. The measures adopted pursuant to Article 7a and paragraph 3 of this Article shall be necessary, clearly defined, transparent, proportionate, non-discriminatory and verifiable, and shall not unduly distort competition or the effective functioning of the internal market in gas or endanger the security of gas supply of other Member States or of the Union. The measures shall not block or restrict cross-border capacities allocated in line with the provisions of Commission Regulation (EU) 2017/459.

Amendment

4. The measures adopted pursuant to Article 7a and paragraph 3 of this Article shall not unduly distort competition or the effective functioning of the internal market in gas or endanger the security of gas supply of other Member States or of the Union.

Amendment 104

Proposal for a regulation
Article 67 – paragraph 1 – point 8
Regulation (EU) 2017/1938
Article 7b – paragraph 5
5. If regional risks are identified, Member States in the relevant risk group shall aim at agreeing in the regional risk group on the targeted level of stocks in the region to ensure that the identified security of supply risk is covered in line with the common analysis of risks.

Member States in the relevant risk group shall seek to agree on joint financing schemes of the measures taken pursuant to paragraph 3 chosen on the basis of the common risk assessment. The allocation of cost across Member States shall be fair and based on the analysis conducted in accordance with paragraph 2. If the measure is financed through a levy, this levy shall not be allocated to cross-border interconnection points. If Member States cannot agree on joint financing schemes, the Commission may adopt a legally non-binding guidance on the key elements to be included.

Or. en

Amendment 105

Proposal for a regulation
Article 67 – paragraph 1 – point 8
Regulation (EU) 2017/1938
Article 7b – paragraph 6

6. Member States in the relevant risk group shall agree on a common coordinated procedure to withdraw the gas stored in storage referred to in paragraph 3 of this Article in case of emergency, as defined in Article 11(1). The common coordinated procedure shall include the procedure in case of withdrawal of gas as part of the actions coordinated by the Commission in case of
regional or Union emergency as referred to in Article 12(3).

Justification

Moved to Article 7b (3a) new.

Amendment 106

Proposal for a regulation
Article 67 – paragraph 1 – point 8
Regulation (EU) 2017/1938
Article 7b – paragraph 7

Text proposed by the Commission

7. After the internal consultation in the relevant risk group referred to in paragraph 3, the Member States shall consult the Gas Coordination Group. The Member States shall inform the Gas Coordination Group of the joint financing schemes and withdrawal procedures in paragraph 5 and 6.

Amendment

7. After the internal consultation in the relevant risk group referred to in paragraph 3, the Member States shall consult the Gas Coordination Group.

Amendment 107

Proposal for a regulation
Article 67 – paragraph 1 – point 8
Regulation (EU) 2017/1938
Article 7b – paragraph 8

Text proposed by the Commission

8. The measures which result from paragraph 3 shall be included in the risk assessments, and where applicable in the preventive action plan and the emergency plan, corresponding to the given period.

Amendment

deleted
Amendment 108

Proposal for a regulation
Article 67 – paragraph 1 – point 8
Regulation (EU) 2017/1938
Article 7d – title

Text proposed by the Commission

Joint procurement for strategic stocks

Amendment

Voluntary mechanism for the joint procurement for gas

Or. en

Amendment 109

Proposal for a regulation
Article 67 – paragraph 1 – point 8
Regulation (EU) 2017/1938
Article 7d – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States may set up a mechanism for the joint procurement of strategic stocks by transmission system operators as part of the preventive measures to ensure security of supply.

Amendment

Member States may set up a voluntary mechanism for the joint procurement of gas by transmission system operators or other undertakings designated by the Member States as part of the preventive measures to ensure security of supply.

Or. en

Amendment 110

Proposal for a regulation
Article 67 – paragraph 1 – point 8
Regulation (EU) 2017/1938
Article 7d – paragraph 1 – subparagraph 2

Text proposed by the Commission

The mechanism shall be designed in compliance with EU law and competition rules and in a way so that the strategic

Amendment

Such mechanism shall be designed in compliance with Union law, in particular Union and national competition rules and
stocks can be used as part of the actions coordinated by the Commission in case of regional or Union emergency, as referred to in Article 12(3).

in a way so that gas can also be used as part of the actions coordinated by the Commission in the event of a regional or Union emergency, as referred to in Article 12(3).

Amendment 111

Proposal for a regulation
Article 67 – paragraph 1 – point 8
Regulation (EU) 2017/1938
Article 7d – paragraph 1 – subparagraph 3

Text proposed by the Commission
The mechanism shall be open to participation of all transmission system operators within the Union who wish to join after its establishment.

Amendment
The mechanism shall be open to participation of all transmission system operators or other undertakings designated by the Member State, gas suppliers and other relevant market participants within the Union who wish to join after its establishment.

Amendment 112

Proposal for a regulation
Article 67 – paragraph 1 – point 8
Regulation (EU) 2017/1938
Article 7d – paragraph 2

Text proposed by the Commission
2. The participating Member States shall notify their intention to establish such mechanism to the Commission. The notification shall include the information necessary to assess the compliance with this Regulation, such as the volume of gas to be purchased, the duration of the measure, the participating transmission system operators, the governance

Amendment
2. The participating Member States shall notify their intention to establish such a mechanism to the Commission. The notification shall include the information necessary to assess the compliance with this Regulation, such as the volume of gas to be purchased, the duration of the measure, the participating transmission system operators or other undertakings
arrangements, the operating procedures and conditions for activation in an emergency situation. It shall also specify the costs and benefits expected.

designated by the Member States as well as gas suppliers and other relevant market participants, the governance arrangements, the operating procedures and conditions for activation in an emergency situation. It shall also specify the costs and benefits expected.

Or. en

Amendment 113

Proposal for a regulation
Article 67 – paragraph 1 – point 8
Regulation (EU) 2017/1938
Article 7d – paragraph 3

Text proposed by the Commission

3. The Commission may issue an opinion within a time limit of three months as to the compliance of the envisaged mechanism with this Regulation. The Commission shall inform the Gas Coordination Group of the notification received and if appropriate ACER. The participating Member States shall take the Commission opinion in the utmost account.

Amendment

3. Within three months of the notification referred to in paragraph 2, the Commission may issue an opinion as to the compliance of the envisaged mechanism with this Regulation. The Commission shall inform the Gas Coordination Group of the notification received and if appropriate ACER. The participating Member States shall take the Commission opinion in the utmost account.

Or. en

Amendment 114

Proposal for a regulation
Article 67 – paragraph 1 – point 8
Regulation (EU) 2017/1938
Article 7 ea (new)

Text proposed by the Commission

Article 7 ea

European Energy Security of Supply Projects
1. **Where the Commission has reasonable grounds to consider, such as in light of the analyses and assessments developed pursuant to Article 7, that additional infrastructure is essential to guarantee the security of supply of the Union or of a given region or of a Member State, in particular in light of the Union's aim to end dependence on Russian gas supplies and addressing any other potential security of supply risks, it shall immediately mandate the ENTSOG&H to carry out an in-depth analysis of the identified security of supply issue and of possible infrastructure-based solutions.**

2. **Where the ENTSOG&H is mandated pursuant to paragraph 1, ENTSOG&H shall, by a deadline agreed with the Commission, prepare and submit to the Commission and to the Gas Coordination Group a report containing its detailed analysis of the identified risk to security of supply.**

3. **Based on the identification of infrastructure needs performed by ENTSOG&H under paragraph 2, the Commission and the GCG shall establish a list of future-proof infrastructure projects intended to solve or mitigate the identified risk to security of supply, while avoiding any risk of stranded assets.**

4. **Within the deadline agreed with the Commission, ENTSOG&H shall deliver an evaluation of the projects identified under paragraph 3 based on relevant cost benefit analysis methodology and indicators.**

5. **As soon as possible, and in any event within 15 days of the receipt of the ENTSOG&H’s report, the GCG shall provide a recommendation to the Commission regarding whether to grant the status of European Energy Security of Supply Project to any project aiming to develop the infrastructure identified by the GCG evaluation as a possible solution.**
6. Any infrastructure project that would be granted the status of European Energy Security of Supply Projects and that involves the use of fossil fuels shall develop, where technically possible, a robust and time-specific plan, with a realistic investment scenario for the infrastructure to be ready to accommodate renewable or low-carbon fuels or be otherwise progressively decarbonised, such as via carbon capture and storage, in a manner that is compatible with the Union’s objective under Regulation (EU) 2021/1119.

7. As soon as possible and in any event within one month of receipt of the recommendation referred to in paragraph 5, the Commission shall decide whether to grant, via a delegated act adopted pursuant to Article 19, the status of European Energy Security of Supply Project to any project aiming to develop the infrastructure identified in ENTSOG&H’s report as a possible solution. In doing so, the Commission shall take due account of the recommendation of the GCG.

8. Provided that it complies with paragraph 7, any project granted the status of European Energy Security of Supply Projects shall benefit from the advantages listed in Annex I.

Or. en

Justification

As per REPowerEU Plan, it is key to address existing capacity limitations hampering Member States' ability to alleviate dependence on one monopolist supplier. Analyses regarding security of supply demonstrated the need to address remaining risks, including fast-track development of targeted infrastructure projects, which will serve to meet diversification targets set out in the Plan and decrease energy dependence from Russia by 2027. European Energy Security of Supply Project instrument would provide transparency to the process (selection, financial support, permitting).
Amendment 115

Proposal for a regulation
Article 67 – paragraph 1 – point 15 a (new)
Regulation (EU) 2017/1938
Article 17a – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(15a) In Article 17a, the following paragraph is added:

'2. The report that is to be submitted by 28 February 2025 shall also include a general assessment of the application of Articles 6a to 6d, Article 7(1) and (4)(g), Article 16(3), Article 17a, Article 18a, Article 20(4), and Annexes Ia and Ib to this Regulation. The report shall be accompanied, where necessary, by a legislative proposal to amend this Regulation.';

Or. en

Justification

Gas Storage Regulation will shortly introduce into Regulation (EU) 2017/1938 new provisions regarding gas storage. Gas Storage Regulation, Article 1(8), will also introduce a sunset clause for these new provisions. Replacing the sunset clause with a review clause would give the Commission the possibility to review and if needed propose new provisions related to gas storage, as opposed to an outright cessation. This inter alia necessitates a deletion of the new paragraph in Article 22 of Regulation (EU) 2017/1938 regarding the sunset clause, as introduced by Gas Storage Regulation.

Amendment 116

Proposal for a regulation
Article 67 – paragraph 1 – point 16 a (new)
Regulation (EU) 2017/1938
Article 22 – paragraph 4

Present text

Amendment

(16a) In Article 22, paragraph 4 is deleted;

Article 2, points (27) to (31), Articles 6a to 6d, Article 16(3), Article 17a, Article 18a,
Article 20(4), and Annexes Ia and Ib shall apply until 31 December 2025.

**Justification**

Replaced by a review clause (amendment 117).

**Amendment 117**

Proposal for a regulation

Article 67 – paragraph 1 – point 18 a (new)

Regulation (EU) 2017/1938
Annex II a (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>(18a) the text set out in Annex IIa to this Regulation is added as Annex IXa to Regulation (EU) 2017/1938:</td>
<td></td>
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<tr>
<td>'Annex IIa Advantages accorded to European Energy Security of Supply Projects in accordance with Article 7ea(8)</td>
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<tr>
<td>1. For the purpose of ensuring efficient administrative processing of the permit application related to European Energy Security of Supply Projects, all authorities of Member States concerned shall ensure that the most rapid treatment legally possible is given to such an application.</td>
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<tr>
<td>2. By ... [three months after the date of entry into force of this Amending Regulation], each Member State shall designate one single national competent authority. Those competent authorities shall be responsible for facilitating and coordinating the permit granting process for European Energy Security of Supply Projects. They shall, in addition to handling the administrative procedure, guide promoters of European Energy Security of Supply Projects and facilitate</td>
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</table>
the entire administrative permit application and granting process in a spirit of cooperation with such promoters.

3. Without prejudice to applicable requirements under international and Union law, the competent authorities shall take action to facilitate the adoption of a comprehensive decision. This comprehensive decision shall be adopted as fast as possible and, in any event, within the time limit set in point 5.

4. Member States shall ensure that any national rules concerning the authorisation, certification and licensing procedures that are applied to European Energy Security of Supply Projects are objective, transparent, proportionate, and handled free of charge.

5. For European Energy Security of Supply Projects, the period beginning with the start of the permit granting process and the acceptance of the submitted application file by the competent authority shall not exceed one year. The period beginning with the date of acceptance of the submitted application file until the comprehensive decision is taken, shall not exceed six months.

6. European Energy Security of Supply Projects shall be eligible for national funding in a way compatible with Union objectives of climate neutrality laid down in Regulation (EU) 2021/1119. To that end, the Commission shall, by [six months after the date of entry into force of this Amending Regulation], issue guidance to Member States under State aid law regarding national funding to European Energy Security of Supply Projects.

Or. en
EXPLANATORY STATEMENT

Access to energy sources and the ways in which they are converted will determine the economic, social and civilisational development on our planet. Fossil fuels have been and are the primary source of energy, and a huge increase in their use has led to direct environmental degradation, but also to radical global warming and the dramatic risks associated with it, confirmed in Paris in 2015 by 196 countries at the UN Climate Summit.

It is therefore time for a rapid phase-out of fossil fuels and a transition to renewable, carbon-free energy. From the point of view of consumers — individual, industrial, collective — the most environmentally and climate-safe energy carrier is electricity. However, not all industrial processes, transport or means of communication can be electrified. Whereas it is therefore necessary to include another, environmentally and climate-safe source - hydrogen, of which the only after-use waste is water; hydrogen is also the best way of big-scale storing electricity in the future.

The era of hydrogen is coming, as has been predicted for decades; but only now, also thanks to the European Union’s investment in cutting-edge research on the production, transport and use of hydrogen, this era becomes a reality. As part of the European Green Deal, we already have our Hydrogen Strategy. This Regulation, together with the Directive having a similar title, constitutes the first legislative package to pave the way for the creation of the hydrogen backbone and wide use of hydrogen as an energy carrier. The European Parliament will aim to ensure that the Hydrogen and Decarbonised Gases Package is in line with the Climate Law and consistent with the Fit for 55 Package and that it meets the conditions of a stable European legislation.

After a number of meetings with industry, SMEs, academia, trade unions, local and civil society organisations, the rapporteur can conclude that the European Commission’s proposal for the Regulation has been well received by stakeholders. The following comments, as well as the rapporteur’s amendments, stem in particular from these meetings.

The importance of precise definitions and compliance with them without exceptions was emphasised. Blending of hydrogen and natural gas was considered highly unfavourable, although in exceptional cases acceptable. When calculating costs and emissions for fuels, it is strongly recommended to take into account the full chain of production, supply, transport, disposal, etc.

The huge investment needs require incentives for hydrogen producers and consumers, including true tariff discounts and other financial incentives, access to research and technological innovation and creation of an internal European hydrogen market, as well as cooperation with reliable partners from the third countries.

Within the Union, cooperation between political authorities, industry, SMEs, science and NGOs and civil society is essential. This is why activities of institutions such as the European Clean Hydrogen Alliance and the Hydrogen Europe are so important. Broad public support should be sought for the European Green Deal, and in particular for hydrogen production, transport and use. Member States are required to introduce hydrogen strategies at national level. The European institutions will endeavour to secure financing of investments for
hydrogen from Community programmes and funds.

The amendments also take into account the solutions adopted in the European Commission’s RePowerEU Plan, which is a response to Russia’s violent and criminal assault against Ukraine and the need for the Union to move rapidly away from fossil fuel imports from Russia. An effective, fully transparent path to infrastructure investments related to the security of energy supply to the Union has been proposed; the investments must correspond to future-proof solutions and protect against the creation of stranded assets. Solutions have also been proposed to promote biomethane, with a goal to produce and inject into natural gas system of at least 35bcm of biomethane by 31 December 2030. The limit on gas imports by a Member State from a third country and the need for periodic reviews of the derogation for gas pipelines from third countries - in both cases from countries outside the European Economic Area - have been defined. The rules related to the possibility of joint EU purchases of gas from third countries - as called by the European Parliament already 12 years ago - have been strengthened. The provisions on opening of the common energy market to the Energy Community countries, in particular Ukraine, are being continued further. The amendments to the Regulation also introduced solutions recently adopted under the Gas Storage Regulation.

Serious reservations about the draft Regulation submitted by the European Commission were raised only on the proposal for the management of the newly created hydrogen market and infrastructure by the new institution: European Networks of Hydrogen Networks Operators (ENNOH). As a result of the numerous and lengthy discussions, the rapporteur has proposed a solution that avoids the creation of another energy market institution in the Union, given that this part of the market is still in its initial stage of development; at the same time the rapporteur appreciates the role of a clear, also public, articulation of the needs, risks and hopes of the participants in the hydrogen market by establishing of a separate hydrogen structure within ENTSO-G. An important reason behind such a proposal is also the need to repurpose natural gas infrastructure into hydrogen infrastructure and minimise stranded assets. The next decade will show if a separate structure (ENNOH) will be necessary.

The rapporteur also appreciates the role of ENTSO-E in creating and supporting the hydrogen market, in particular the production of renewable hydrogen from renewable energy, as the future solution in the Union is the market of only two main energy carriers: electricity and hydrogen, with a small share of biogas/biomethane and biomass. Hydrogen will be produced by electrolysis and, in addition to its direct use in industry or transport, it will also be used to store electricity.
The following list is drawn up on a purely voluntary basis under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the draft report:

<table>
<thead>
<tr>
<th>Entity and/or person</th>
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<tbody>
<tr>
<td>European Union <em>Agency</em> for the Cooperation of Energy Regulators (ACER)</td>
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<td>Council of European Energy Regulators (CEER)</td>
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<td>Energy Community</td>
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<td>European Network of Transmission System Operators for Gas (ENTSOG)</td>
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<td>European Consumer Organisation (BEUC)</td>
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<td>Clean Air Task Force</td>
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<td>International Association of Oil &amp; Gas Producers (<em>IOGP</em>)</td>
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<td>European Biogas Association</td>
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<td>Climate Action Network (CAN) Europe</td>
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<td>Agora Energiewende</td>
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<td>Emerson Automation Solutions</td>
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<td>European Steel Association (<em>EUROFER</em>)</td>
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<td>Bellona Foundation</td>
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<td>European Committee of Manufacturers of Domestic Heating and Cooking Appliances</td>
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<td>CEFACD - (CEFACD -)</td>
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<td>European Chemical Industry Council (<em>CEFIC</em>)</td>
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<td>Confederation of Norwegian Enterprise (<em>NHO</em>)</td>
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<td>Gas Naturally</td>
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<td>Euroheat &amp; Power</td>
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<td>European Industrial Gases Association (<em>EIGA</em>)</td>
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<td>Polenergia S.A.</td>
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ANNEX: LETTER FROM THE COMMITTEE ON LEGAL AFFAIRS

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CONSULTATIVE WORKING PARTY OF THE LEGAL SERVICES

Brussels, 16 June 2022

OPINION

FOR THE ATTENTION OF THE EUROPEAN PARLIAMENT
THE COUNCIL
THE COMMISSION


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