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*Committee on Legal Affairs  
The Chair*

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2.2.2023

Mr Cristian-Silviu Buşoi  
Chair  
Committee on Industry, Research and Energy  
BRUSSELS

Subject: Opinion on a Proposal for a directive of the European Parliament and of the Council on common rules for the internal markets in renewable and natural gases and in hydrogen (recast) (COM(2021)803 – C9-0468/2021 – 2021/0425(COD))

Dear Mr Chair,

The Committee on Legal Affairs has examined the proposal referred to above pursuant to Rule 110 on recasting of Parliament's Rules of Procedure.

Paragraph 3 of that Rule reads as follows:

“If the committee responsible for legal affairs considers that the proposal does not entail any substantive changes other than those identified as such in the proposal, it shall inform the committee responsible for the subject matter thereof.

In such a case, over and above the conditions laid down in Rules 180 and 181, amendments shall be admissible within the committee responsible for the subject-matter only if they concern those parts of the proposal which contain changes.

However, amendments to parts of the proposal which remain unchanged may, by way of exception and on a case-by-case basis, be accepted by the Chair of the committee responsible for the subject matter if he or she considers that this is necessary for pressing reasons relating to the internal logic of the text or because the amendments are inextricably linked to other admissible amendments. Such reasons must be stated in a written justification to the amendments.”

Following the here attached opinions of the Consultative Working Party of the Legal Services of the Parliament, the Council and the Commission, which have examined the recast proposal, and in keeping with the recommendations of the Rapporteur, the Committee on Legal Affairs

considers that the proposal in question does not include any substantive changes other than those identified as such and that, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, the proposal contains a straightforward codification of the existing text, without any change in its substance.

In conclusion, at its extraordinary meeting of 31 January 2023, the Committee on Legal Affairs unanimously<sup>1</sup> decided to recommend that the Committee on Industry, Research and Energy (ITRE), as the committee responsible, proceed to examine the above proposal in accordance with Rule 110.

Yours sincerely,

Adrián Vázquez Lázara

Encl.: Opinions of the Consultative Working Party.

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<sup>1</sup> The following were present for the final vote: Adrián Vázquez Lázara (Président), Sergey Lagodinsky (Vice-président), Marion Walsmann (Vice présidente), Lara Wolters (Vice-présidente), Raffaele Stancanelli (Vice-président), Pascal Arimont, Manon Aubry, Alessandra Basso, Brando Benifei, Jérémy Decerle (for Pierre Karleskind, pursuant to Rule 209(7)), Angel Dzhambazki, Ibán García Del Blanco, Frances Fitzgerald (for Esteban González Pons, pursuant to Rule 209(7)), Virginie Joron, Andrzej Halicki, Heidi Hautala, Gilles Lebreton, Karen Melchior, Sabrina Pignedoli, Jiří Pospíšil, Franco Roberti, Axel Voss, Tiemo Wölken.



CONSULTATIVE WORKING PARTY  
OF THE LEGAL SERVICES

Brussels, 25 October 2022

## OPINION

**FOR THE ATTENTION OF THE EUROPEAN PARLIAMENT  
THE COUNCIL  
THE COMMISSION**

**Proposal for a Directive of the European Parliament and of the Council on common rules for the internal markets in renewable and natural gases and in hydrogen**

**COM(2021) 803 final of 15.12.2021 – 2021/0425 (COD)**

Having regard to the Inter-institutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts, and in particular to point 9 thereof, the Consultative Working Party consisting of the respective legal services of the European Parliament, the Council and the Commission met on 9 August 2021 for the purpose of examining the aforementioned proposal submitted by the Commission.

At that meetings<sup>1</sup>, and examination of the proposal for a Directive of the European Parliament and of the Council recasting Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas resulted in the Consultative Working Party's establishing, by common accord, as follows.

1. The following should have been marked with the grey-shaded type generally used

for identifying substantive amendments:

- in the title of the act, the adding of the words '*renewable and*' and of the words '*and in hydrogen*';
- in recital 39, the deletion of the words '*reflect the likely consumption of natural gas and*';
- in the second sentence of recital 62, the replacement of the word '*does*' with the

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<sup>1</sup> The Consultative Working Party worked on the basis of the English language version of the proposal, being the master-copy language version of the text under discussion.

word ‘*should*’;

- in recital 85 and in Article 44(2), the deletion of the word ‘*national*’;
- the entire text of recital 100;
- in recital 101, the deletion of the second and third sentence of recital 30 of Directive 2009/73/EC;
- in recital 118, the adding of the words ‘*and 2009/73/EC with amendments*’;
- the deletion of recital 40 of Directive 2009/73/EC;
- in recital 124, the adding of the words ‘*in particular biomethane*’;
- in Article 27, the deletion of Article 32(2) of Directive 2009/73/EC;
- in Article 51(8), the deletion of the words ‘*the first subparagraph of*’;
- in Article 54(4), the deletion of the words ‘*until 3 March 2013*’.

2. The following should have been marked with formal adaptation signs:

- in the title of the act, the replacement of the word ‘*market*’ with ‘*markets*’ and of the word ‘*gas*’ with ‘*gases*’;
- in recital 106, the replacement of the word ‘*regulator*’ with the words ‘*regulatory authority*’;
- the entire text of recital 141.

3. In Article 57(3), the reference made to ‘*Article 1 of Directive 2009/101/EC of the European Parliament and of the Council*’ should be replaced by a reference to ‘*Annex II to Directive (EU) 2017/1132 of the European Parliament and of the Council*’.

In consequence, examination of the proposal has enabled the Consultative Working Party to conclude, without dissent, that the proposal does not comprise any substantive amendments other than those identified as such. The Working Party also concluded, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, that the proposal contains a straightforward codification of the existing legal text, without any change in its substance.

F. DREXLER

Jurisconsult

J.B. LAIGNELOT

acting Director-General

D. CALLEJA CRESPO

Director-General



Brussels, 19 January 2023

## OPINION

**FOR THE ATTENTION OF THE EUROPEAN PARLIAMENT  
THE COUNCIL  
THE COMMISSION**

### **Proposal for a Directive of the European Parliament and of the Council on common rules for the internal markets in renewable and natural gases and in hydrogen**

**COM(2021) 803 final of 15.12.2021 – 2021/0425 (COD)**

Having regard to the Inter-institutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts, and in particular to point 9 thereof, the Consultative Working Party consisting of the respective legal services of the European Parliament, the Council and the Commission met on 6 December 2022 for the purpose of further examining, following up to the previous meeting held on 9 August 2022, the aforementioned proposal submitted by the Commission.

At that meetings<sup>1</sup>, an examination of the proposal for a Directive of the European Parliament and of the Council recasting Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas resulted in the Consultative Working Party's establishing, by common accord, that, in addition to the twelve indents contained in point 1 of the Consultative Working Party's opinion dated 25 October 2022, a further remark is also considered appropriate with regard to the draft recast text.

In recital 126 the deletion of the third and fourth sentences of recital 43 of Directive 2009/73/EC should have been marked with the grey-shaded type generally used for identifying substantive amendments.

In consequence, examination of the proposal has enabled the Consultative Working Party to conclude, without dissent, that the proposal does not comprise any substantive amendments other than those identified as such. The Working Party also concluded, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, that the proposal contains a straightforward codification of the existing legal text, without any change in its substance.

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<sup>1</sup> The Consultative Working Party worked on the basis of the English language version of the proposal, being the master-copy language version of the text under discussion.

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