

Measures to safeguard security of gas supply

2009/0108(COD) - 20/10/2010 - Final act

PURPOSE: to safeguard the security of gas supply in the Union.

LEGISLATIVE ACT: Regulation (EU) No 994/2010 of the European Parliament and of the Council concerning measures to safeguard security of gas supply and repealing Council Directive 2004/67/EC

CONTENT: the Council has adopted a Regulation concerning measures to safeguard security of gas supply, following an agreement at first reading with the European Parliament. The aim of the Regulation is to establish measures for safeguarding the security of gas supply by i) ensuring the proper and continuous functioning of the internal natural gas market, ii) permitting the introduction of exceptional measures when the market can no longer provide the necessary gas supplies, and iii) providing for a clear definition and allocation of responsibilities between the gas supplying companies, the Member States and the Union.

The Regulation also provides transparent mechanisms, in a spirit of solidarity, for the coordination of planning for, and response to, an emergency at Member State, regional and Union levels.

Responsibility for security of gas supply: the Regulation stipulates that the security of gas supply is a shared responsibility of natural gas undertakings, Member States, notably through their Competent Authorities, and the Commission, within their respective areas of activities and competence. Such shared responsibility requires a high degree of cooperation between them. As soon as possible and no later than 3 December 2011, each Member State shall designate a Competent Authority that ensures the implementation of the measures provided for in this Regulation.

Establishment of a Preventive Action Plan and an Emergency Plan: the Competent Authority of each Member State, after consulting the natural gas undertakings, the relevant organisations representing the interests of household and industrial gas customers and the national regulatory authority, where it is not the Competent Authority, shall establish at national level:

- a Preventive Action Plan containing the measures needed to remove or mitigate the risks identified, in accordance with the risk assessment undertaken pursuant to the Regulation; and
- an Emergency Plan containing the measures to be taken to remove or mitigate the impact of a gas supply disruption.

Before adopting a Preventive Action Plan and an Emergency Plan at national level, the Competent Authorities shall exchange their draft Preventive Action Plans and Emergency Plans and consult each other at the appropriate regional level. They shall consult the Commission, with a view to ensuring that their draft Plans and measures are not inconsistent with the Preventive Action Plan and the Emergency Plan of another Member State and that they comply with this Regulation.

The national and joint emergency plans will be defined in terms of **three main crisis levels**:

- **early warning level (early warning):** when there is concrete, serious and reliable information that an event may occur which is likely to result in significant deterioration of the supply situation and is likely to lead to the alert or the emergency level being triggered; the early warning level may be activated by an early warning mechanism;

- **alert level (alert):** when a supply disruption or exceptionally high gas demand occurs which results in significant deterioration of the supply situation, but the market is still able to manage that disruption or demand without the need to resort to non-market measures;
- **emergency level (emergency):** in the event of exceptionally high gas demand, significant supply disruption or other significant deterioration of the supply situation and in the event that all relevant market measures have been implemented but the supply of gas is insufficient to meet the remaining gas demand so that non-market measures have to be additionally introduced with a view, in particular, to safeguarding supplies of gas to protected customers.

Risk assessment: by 3 December 2011, each Competent Authority shall make a full assessment, on the basis of the following common elements, of the risks affecting the security of gas supply in its Member State.

Infrastructure standard: by 3 December 2014 at the latest, the Competent Authority shall ensure that the necessary measures are taken in the event of a disruption of the single largest gas infrastructure, the capacity of the remaining infrastructure, determined according to the N – 1 formula, is able to satisfy total gas demand of the calculated area during a day of exceptionally high gas demand occurring with a statistical probability of once in 20 years.

Supply standard: the Competent Authority shall require the natural gas undertakings, that it identifies, to take measures to ensure gas supply to the protected customers of the Member State in the following cases: a) extreme temperatures during a 7-day peak period occurring with a statistical probability of once in 20 years; b) any period of at least 30 days of exceptionally high gas demand, occurring with a statistical probability of once in 20 years; and c) for a period of at least 30 days in case of the disruption of the single largest gas infrastructure under average winter conditions.

Union and regional emergency responses: at the request of a Competent Authority that has declared an emergency, the Commission may declare a Union emergency or a regional emergency for a specifically affected geographical region.

In a Union or regional emergency, the Commission shall coordinate the action of the Competent Authorities, taking full account of relevant information from, and the results of, the consultation of the Gas Coordination Group.

Monitoring by the Commission: the Commission shall carry out continuous monitoring of, and reporting on, security of gas supply measures and present reports on the subject. By 3 December 2014 at the latest, the Commission must submit a report to the European Parliament and to the Council on the overall consistency of Member States' Preventive Action Plans and Emergency Plans as well as their contribution to solidarity and preparedness from a Union perspective.

ENTRY INTO FORCE: 02/12/2010.