Security of gas supply and conditions for access to natural gas transmission networks

2022/0090(COD) - 23/03/2022 - Legislative proposal

PURPOSE: to lay down safeguard measures concerning the security of gas supply with new obligations for Member States on gas storage and access to natural gas transmissions.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the EU is faced with potential threats to the security of gas supply, mainly linked to its dependence for primary energy from third countries. The escalation of the armed conflict in Ukraine since February 2022 has led to unprecedented price increases. These price increases are likely to fundamentally change the incentives to fill storage facilities in the Union.

In the current geopolitical context, further supply disruptions of gas can no longer be excluded. This could severely harm citizens and the economy of the Union, as the Union is still to a significant extent dependent on external gas supplies which can be affected by the conflict.

It is therefore crucial that the EU acts in a coordinated manner to avoid potential risks resulting from a possible gas supply interruption.

CONTENT: this proposal amends two existing regulations, Regulation (EU) 2017/1938 concerning measures to safeguard the security of gas supply and Regulation (EU) 715/2009 on conditions for access to natural gas transmission networks. It builds on the existing framework for gas security of supply and internal gas market rules, adding further measures needed to ensure security of supply of natural gas in the Union in the context of the severe energy crisis caused by recent changes of the geopolitical situation.

The proposal aims notably at **ensuring that storage capacities in the Union**, which are crucial to ensure security of supply, **do not remain unused**, to ensure that storages can be shared across the Union, in a spirit of solidarity.

Mandatory minimum level of gas in storage facilities

The proposal seeks to ensure that a mandatory minimum level of gas in storage facilities will reinforce the security of supply ahead of the winter 2022/2023 and for the following winter periods.

A new provision will require the Member States to ensure that the storage infrastructures in its territory are, in principle, filled up to **at least 90% of their capacity at Member State level by 1 November each year**, with intermediary targets for each Member State in February, May, July, and September. For 2022, the filling target is set at **80%** of the capacity of all storage facilities located on the territory of the respective Member States.

The Commission is mandated to ensure that the filling targets are met in case intermediate targets are missed.

Certification of storage system operators

A new mandatory certification of all storage system operators will avoid potential risks resulting from outside influence over critical storage infrastructure, meaning that non-certified operators will have to give up ownership or control of EU gas storage facilities. In addition, for a gas storage facility to close down its operations it would need to have an authorisation from the national regulator.

Burden sharing mechanism

The proposal introduced a burden sharing mechanism, as although not all Member States have storage facilities in their territories, all will benefit from having a guaranteed high filling level, in terms of the insurance value against security of supply risks and price dampening effects in winter.

New filling obligations

Competent authorities will continuously monitor the filling of the underground storage facilities in order to ensure that their national filling trajectories are met. This new provision also reinforces the role of the Gas Coordination Group, giving it an explicit mandate to monitor Member States' performance in the area of gas security of supply, and to develop best practices on that basis.

Tariff rebate

In order to incentivise the refilling of EU gas storage facilities, the Commission is proposing a **100% discount** on capacity-based transmission tariffs at entry and exit points of storage facilities.