

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

2022/0090(COD) - 23/06/2022 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 490 votes to 47, with 55 abstentions a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2017/1938 of the European Parliament and of the Council concerning measures to safeguard the security of gas supply and Regulation (EC) No 715/2009 of the European Parliament and of the Council on conditions for access to natural gas transmission networks.

The proposal amends two existing regulations concerning security of natural gas supply and access to natural gas transmission networks. It aims to ensure that a mandatory minimum level of gas in storage to safeguard the supply before the winter of 2022/2023 and for the following winter periods.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the Commission's proposal as follows:

Filling targets and trajectories

The Regulation provides that underground gas storage on Member States' territory must be filled to **at least 80%** of their capacity before the winter of 2022/2023 and to **90%** before the following winter periods. Overall, the EU will attempt collectively to fill 85% of the total underground gas storage capacity in the EU in 2022.

Member States should take into account the objective of ensuring security of gas supply in the Union. The text encourages EU countries to **diversify their sources of gas supply** and to take more measures to promote energy efficiency.

To reflect the situation of Member States with very large storage capacities compared to their domestic gas consumption, the filling obligation for underground stocks will be limited to a volume corresponding to **35%** of the average annual gas consumption of member states over the last five years.

Without prejudice to the obligations of other Member States to fill the underground gas storage facilities concerned, the filling target for each Member State in which the underground gas storage facilities are located shall be reduced by the volume which was supplied to third countries during the reference period 2016 to 2021 if the average volume supplied was more than **15 TWh per year** during the gas storage withdrawal period (October – April).

A Member State may partially meet the filling target by counting the LNG physically stored and available in its LNG facilities if both of the following conditions are met: (a) the gas system includes significant capacity of LNG storage, accounting annually for more than 4 % of the average national consumption over the preceding five years; (b) the Member State has imposed an obligation on gas suppliers to store minimum volumes of gas in underground gas storage facilities and/or LNG facilities.

For 2023 and the following years, each Member State with underground gas storage facilities should submit to the Commission, by 15 September of the previous year, a draft filling trajectory with intermediary targets for February, May, July and September, including technical information, for the

underground gas storage facilities on its territory and directly interconnected to its market area in an aggregated form. The filling trajectory and the intermediate targets shall be based on the average filling rate during the preceding five years.

In the event of a substantial and sustained deviation by a Member State from the filling trajectory, which compromises the meeting of the filling target or in the event of a deviation from the filling target, the Commission should, after consulting the Gas Coordination Group and the Member States concerned, issue a recommendation to that Member State or to the other Member States concerned regarding measures to be taken immediately.

Implementation of filling targets

Member States should take all necessary measures, including providing financial incentives or compensation to market actors, to achieve the filling targets. In ensuring that filling targets are met, Member States should give priority, where possible, to market-based measures.

Storage agreements and load sharing mechanism.

A Member State without underground gas storage facilities should ensure that market participants within that Member State have in place arrangements with underground storage system operators or other market participants in Member States with underground gas storage facilities. Those arrangements shall provide for the use, by 1 November, of storage volumes corresponding to at least **15 %** of the average annual gas consumption over the preceding five years of the Member State without underground gas storage facilities.

Mandatory certification for gas storage facilities

The Regulation also provides for compulsory certification of all underground gas storage site operators by the authorities of the Member States concerned. The aim of this certification is to **avoid the potential risks of external influence on critical storage infrastructures**, which could jeopardise the security of the EU's energy supply and other essential security interests. Operators who do not obtain this certification will have to relinquish ownership or control of gas storage facilities within the EU.

A fast-track certification procedure is to apply for storage sites with a capacity of more than 3.5 TWh that were filled in March 2021 and March 2022 to a level that, on average, was less than 30% of their maximum capacity.

Storage capacity filling obligations will come to an end on 31 December 2025, but stock operator certification obligations will continue to apply beyond that date. The regulation also provides for a derogation to be granted to Cyprus, Malta and Ireland as long as they are not directly interconnected with the gas system of other Member States.

Commission reporting

By 28 February 2023 and annually thereafter, the Commission should submit reports to the European Parliament and to the Council, containing: (i) an overview of the measures taken by Member States to fulfil the storage obligations; (ii) an overview of the time needed for the certification procedure; (iii) an overview of the measures requested by the Commission in order to ensure compliance with the filling trajectories and the filling targets; (iv) an analysis of the potential effects of this Regulation on gas prices and potential gas savings.