

Energy: natural gas, security of supply

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After consulting Parliament's Legal Affairs Committee, the Industry Committee adopted the report by Peter MOMBAUR (EPP-ED, D) in favour of changing the legal basis of the draft directive on security of gas supplies. MEPs accepted Article 100 as the best - and indeed the only possible - legal basis for the proposal, given that both Parliament and Council were opposed to the harmonisation measures proposed by the Commission, which were the only reason for using Article 95 of the Treaty (codecision for single market legislation). At its first reading in September 2003, Parliament had deleted clauses providing for major harmonisation of the gas supply industry at Community level. MEPs argued that the Commission was encroaching too far on the responsibilities of the Member States and companies, and described as "over-prescriptive" certain provisions at Community level. These included the establishment of quantifiable standards at EU level, the right for the Commission to infringe on contractual freedom of companies and a "crisis mechanism" at EU level that disregarded the hierarchy of responsibilities (companies - Member States - Commission). As a result the Council asked for the legal basis of the directive to be changed, so that it comes under Article 100 of the Treaty. This article provides that, in the case of special measures to be taken if there are severe difficulties in the supply of certain products, the Council decides alone and merely informs Parliament of its decision. Having made their point last September, a majority of members of the committee were now willing to go along with this procedural change.