

Basic information	
<b>2022/0090(COD)</b> COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Security of gas supply and conditions for access to natural gas transmission networks  Amending Regulation 2009/715 <a href="#">2007/0199(COD)</a> Amending Regulation 2017/1938 <a href="#">2016/0030(COD)</a>  <b>Subject</b>  3.60.03 Gas, electricity, natural gas, biogas 3.60.10 Security of energy supply 3.60.15 Cooperation and agreements for energy	

Key players				
European Parliament	<b>Committee responsible</b>		<b>Rapporteur</b>	<b>Appointed</b>
	<span style="border: 1px solid red; padding: 2px;">ITRE</span> Industry, Research and Energy		BUȘOI Cristian-Silviu (EPP)	23/03/2022
Council of the European Union				
European Commission	<b>Commission DG</b>		<b>Commissioner</b>	
	Energy		SIMSON Kadri	
European Economic and Social Committee				
European Committee of the Regions				

Key events			
Date	Event	Reference	Summary
23/03/2022	Legislative proposal published	COM(2022)0135 	Summary
04/04/2022	Committee referral announced in Parliament, 1st reading		
07/04/2022	Decision by Parliament, 1st reading	T9-0119/2022	Summary
07/04/2022	Results of vote in Parliament		
07/04/2022	Matter referred back to the committee responsible for interinstitutional negotiations		
02/06/2022	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE732.927 GEDA/A/(2022)004554	
23/06/2022	Decision by Parliament, 1st reading	T9-0251/2022	Summary

23/06/2022	Results of vote in Parliament		
23/06/2022	Debate in Parliament		
27/06/2022	Act adopted by Council after Parliament's 1st reading		
29/06/2022	Final act signed		
30/06/2022	Final act published in Official Journal		

Technical information	
Procedure reference	2022/0090(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Regulation 2009/715 <a href="#">2007/0199(COD)</a> Amending Regulation 2017/1938 <a href="#">2016/0030(COD)</a>
Legal basis	Rules of Procedure EP 170 Treaty on the Functioning of the European Union TFEU 194-p2
Mandatory consultation of other institutions	<a href="#">European Economic and Social Committee</a> <a href="#">European Committee of the Regions</a>
Stage reached in procedure	Procedure completed
Committee dossier	ITRE/9/08667

Documentation gateway				
<b>European Parliament</b>				
Document type	Committee	Reference	Date	Summary
Text adopted by Parliament, partial vote at 1st reading /single reading		<a href="#">T9-0119/2022</a>	07/04/2022	<a href="#">Summary</a>
Text agreed during interinstitutional negotiations		<a href="#">PE732.927</a>	25/05/2022	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T9-0251/2022</a>	23/06/2022	<a href="#">Summary</a>
<b>Council of the EU</b>				
Document type	Reference	Date	Summary	
Coreper letter confirming interinstitutional agreement	<a href="#">GEDA/A/(2022)004554</a>	25/05/2022		
Draft final act	<a href="#">00024/2022/LEX</a>	29/06/2022		
<b>European Commission</b>				
Document type	Reference	Date	Summary	
Legislative proposal	<a href="#">COM(2022)0135</a> 	23/03/2022	<a href="#">Summary</a>	

Commission response to text adopted in plenary	SP(2022)447	26/07/2022	
Follow-up document	COM(2025)0098 	05/03/2025	

#### National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	CZ_SENATE	COM(2022)0135	25/05/2022	
Contribution	CZ_CHAMBER	COM(2022)0135	31/05/2022	

#### Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES1749/2022	18/05/2022	

#### Additional information

Source	Document	Date
EP Research Service	Briefing	27/04/2022
European Commission	EUR-Lex	

## Meetings with interest representatives published in line with the Rules of Procedure

### Rapporteurs, Shadow Rapporteurs and Committee Chairs

Transparency				
Name	Role	Committee	Date	Interest representatives
BUZEK Jerzy	Rapporteur	ITRE	18/05/2022	Energy Community
BUZEK Jerzy	Rapporteur	ITRE	18/05/2022	Council of European Energy Regulators
TOIA Patrizia	Shadow rapporteur	ITRE	04/05/2022	ARERA
BUZEK Jerzy	Rapporteur	ITRE	04/05/2022	Europex - Association of European Energy Exchanges
BUZEK Jerzy	Rapporteur	ITRE	21/04/2022	Bellona Europa
BUZEK Jerzy	Rapporteur	ITRE	04/04/2022	PGE Polska Grupa Energetyczna SA
BUZEK Jerzy	Rapporteur	ITRE	29/03/2022	European Network of Transmission System Operators for Gas

### Other Members

Transparency

Name	Date	Interest representatives
MITUȚA Alin	31/03/2022	Equinor ASA

Final act
<p>Regulation 2022/1032 OJ L 173 30.06.2022, p. 0017</p> <p>Corrigendum to final act 32022R1032R(01) OJ L 245 22.09.2022, p. 0070</p>

## 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.

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

2022/0090(COD) - 07/04/2022 - Text adopted by Parliament, partial vote at 1st reading/single reading

The European Parliament decided by 516 votes to 25, with 15 abstentions, to **refer the matter back to the committee responsible for interinstitutional negotiations** on the basis of the unamended 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 security of natural gas supply and Regulation (EC) No 715/2009 of the European Parliament and of the Council on conditions for access to the natural gas transmission networks

The decision was adopted pursuant to [Article 59\(4\)](#), [fourth subparagraph](#), of the Rules of Procedure.

## **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.