



Brussels, 5 August 2022

CM 4101/22

Interinstitutional File:
2022/0225(NLE)

ENER
ENV
CLIMA
IND
RECH
COMPET
ECOFIN

COMMUNICATION

WRITTEN PROCEDURE

Contact: bartosz.lercel@consilium.europa.eu
pawel.zamojski@consilium.europa.eu

Tel./Fax: +32 2 281 2062
+32 2 281 4271

Subject: **Written Procedure with reply by Friday 5 August 2022 at 12:00 CET (Brussels time) by email to energy@consilium.europa.eu**
Proposal for a Council Regulation on coordinated demand reduction measures for gas

- Approval
- = End of the written procedure

Delegations are informed that the written procedure, opened by CM 4100/22 of **4 August 2022** was completed on **5 August 2022 at [12:00]** and that all delegations voted in favour of, except for Hungarian and Polish delegations that **voted against**, the adoption of the Council Regulation on coordinated demand reduction measures for gas, as set out in doc. [ST 11568/22].

The required qualified majority has been reached. Therefore, the proposal for a Council Regulation on coordinated demand reduction measures for gas is adopted.

The statement by the Commission is reproduced in the Annex 1 to this CM.

The statement by Poland is reproduced in the Annex 2 to this CM.

The above statements will be included in the summary of acts adopted by the written procedure as statements to be entered in the Council minutes, in accordance with the third subparagraph of Article 12(1) of the Council's Rules of Procedure.

STATEMENT BY THE COMMISSION

“The European Commission’s proposals in COM (2022) 360 final, namely to “Save gas for a safe winter”, set out the necessary demand reductions to address the urgent security of supply situation in the European gas market.

In addition to these elements, and as part of the overall effort to address the serious energy situation overall that has been provoked by Russia’s war of aggression against Ukraine, the European Commission underlines that it will take forward urgently the important work to address other relevant elements, namely:

- supply considerations: the Commission will continue its work through the Energy Platform to secure for the European market additional quantities of gas and LNG (and hydrogen, in the future), and to facilitate joint purchasing, thereby accelerating the reduction of dependency on Russian gas supplies. The Task Force that has now been established will focus its efforts on a number of priority external markets in this regard, including with a view to securing further additional quantities of LNG this year and next, and will also rapidly take forward and coordinate the work of the five regional groups that have been established, for example to ensure the most effective and efficient use of existing infrastructure.
- price caps: recognizing the importance of securing energy supply at affordable prices, particularly in the context of mandatory demand reductions efforts, whilst ensuring that gas flows where it will be most needed in a spirit of solidarity and to protect the EU internal market, the Commission is urgently assessing the different possibilities to introduce price caps for gas. To that end, the Commission will consult Member States (and international partners where appropriate) and will report back in the autumn with specific proposals, as necessary.

- electricity market design: the Commission, noting that a number of delegations wish to consider how to improve the future functioning of electricity markets to the benefit of consumers and industry, particularly with a view to the effect of gas prices, will take forward the impact assessment process on how to withstand future excessive price volatility, deliver affordable electricity within a future fully decarbonised energy system, while preserving the integrity of the Single Market, maintaining incentives for the green transition, preserving security of supply and avoiding disproportionate budgetary costs. This work is being taken forward as a priority, in close cooperation with Member States, to enable it to be finalised as soon as possible.”
-

Statement by the Republic of Poland concerning the proposal for a Council Regulation on coordinated demand-reduction measures for gas

The Republic of Poland objects to the adoption by written procedure of the draft Regulation on coordinated demand-reduction measures for gas.

The Republic of Poland objects to the draft Regulation on coordinated demand-reduction measures for gas due to strong reservations concerning the content of the draft, including, in particular, the incorrect legal and Treaty basis.

Decisions affecting the energy mix and energy security of Member States should be adopted by unanimity in a special legislative procedure under Article 192(2)(c) TFEU in conjunction with Article 194(2) TFEU. Any measures under EU law which restrict the consumption of energy resources, namely which affect the energy mix of Member States (including decisions to declare a Union alert), should also be adopted by unanimity. The Republic of Poland objects to any Member State or the European Commission imposing restrictions on other Member States. The Republic of Poland does not agree that one Member State should decide on behalf of another Member State on matters of energy policy or that the Commission should have competence in this area. Energy policy and energy security fall exclusively under the responsibility of the Member States.