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NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU)2017/1938 as regards the role of gas storage for securing gas supplies ahead of the winter season - Presidency debriefing on the outcome of the trilogue - Analysis of the final compromise text with a view to agreement

I. INTRODUCTION

1. On 5 March 2025, the Commission presented a proposal for a Regulation amending Regulation (EU) 2017/1938 concerning measures to safeguard the security of supply as regards the role of gas storage for securing gas supplies ahead of the winter season.

2. The proposal is intended to extend by two years the relevant gas storage filling provisions introduced in Regulation (EU) 2017/1938 by Regulation (EU) 2022/1032, which entered into force at the height of the energy crisis in 2022 and are set to expire at the end of 2025.

3. Gas storage contributes significantly to the security of supply by ensuring sufficient supply in case of disruptions or increased demand.

4. As the European gas markets remains tight with increased international competition and price volatility, sufficient gas storage levels are an important tool to reduce price shocks.

II. INTERINSTITUTIONAL NEGOTIATIONS – STATE OF PLAY

5. The European Economic and Social Committee delivered their opinion at their plenary session on 26-27 March 2025. The European Committee of the Regions decided not to issue an opinion due to the urgent nature and proposed timeframe of the consultation.

6. Coreper reached a mandate on the gas storage on 11 April 2025. The European Parliament (ITRE committee) adopted its position on 24 April 2025, which was confirmed by the plenary in May 2025.

7. The first trilogue took place on 13 May 2025, followed by a second trilogue on 3 June and a third and conclusive trilogue on 24 June.

III. MAIN ELEMENTS OF COMPROMISE

8. On the key political issues, the Presidency and the European Parliament provisionally agreed on the following elements:

9. In Article 6a, the mandatory 90% filling target and the timeframe during which the mandatory target needs to be met (between 1 October and 1 December) have been preserved.

10. Still in Article 6a, the compromise proposal introduces a 10% flexibility around the mandatory 90% filling target. It can be activated in case of difficult conditions, such as indications of trading activities hindering cost-effective storage filling, low seasonal price spread, high price environment, storage levels below the trajectory at Member State level, or unforeseen technical circumstances that would make storage injection difficult and costly. Mirroring flexibility is introduced in the current 35% target, with a corresponding flexibility of 3,88%, and in the 15% target, with a corresponding flexibility of 1,66%. The flexibility around the mandatory filling target may be increased by an additional 5% by a delegated act from the Commission in case of persistent unfavourable market conditions. All the additional specific flexibilities (in case of slow storages / production of gas higher than consumption) as well as all existing derogations were maintained.

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11. As regards the intermediate targets within the filling trajectory, the compromise text explicitly maintains their indicative nature.

12. In addition, a recital was added on the upcoming revision of the security of supply framework. Another recital was inserted on the phase out of Russian gas. The provisions concerning AggregateEU, the role of the Commission enforcing the Regulation, and on countries without storage, were further clarified. Annex Ib is now limited only to the specific case of Dolni Bojanovice gas storage.

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IV. CONCLUSION

13. The Permanent Representatives Committee is invited to:

a) endorse the agreement on the final compromise text as set out in the Annex to this note, in view of reaching an agreement at first reading with the European Parliament.

b) authorise the Presidency to inform the European Parliament that, should the European Parliament adopt its position at first reading, in accordance with Article 294 paragraph 3 of the Treaty, in the form set out in the text contained in the Annex to this note (subject to revision by the lawyer linguists of both institutions), the Council will, in accordance with Article 294, paragraph 4 of the Treaty, approve the European Parliament's position at first reading and the act shall be adopted in the wording which corresponds to the European Parliament's position.

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REGULATION (EU) 2025/…
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of …

amending Regulation (EU) 2017/1938 as regards the role of gas storage for securing gas supplies ahead of the winter season

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 194(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[1],

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure[2],

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1 Opinion of 26.3.2025 (not yet published in the Official Journal).

2 Position of the European Parliament of ... (not yet published in the Official Journal) and decision of the Council of ...

Whereas:

(1) Regulation (EU) 2022/1032 of the European Parliament and of the Council[3] was adopted in reaction to the gas supply crisis and the unprecedented increases in gas prices caused by ***Russia's war of*** aggression against Ukraine since February 2022, impelling the Union to act in a coordinated and comprehensive manner to avoid potential risks resulting from further gas supply disruptions.

(2) Since the start of Russia's war of aggression against Ukraine, the Union aims to further advance its independence from Russian energy. This highlights the urgency to ensure alternative energy supplies from international partners via LNG or pipeline gas, without creating new dependencies. In that context, securing alternative energy supplies from reliable partners will be critical. On 17 June 2025 the Commission presented a proposal for a regulation to fully phase out Russian gas imports into the Union which includes in particular an amendment to Regulation 2017/1938 of the European Parliament and of the Council[4]. In addition, the Commission's proposal includes measures allowing for the introduction of a robust and efficient system of tracking the Russian gas which crosses the EU border. Such measures would also help with monitoring whether the Russian gas is stored in the Union. The full phase out of Russian gas imports will allow for the reinforcement of the provisions on gas storage laid down in Regulation 2017/1938, helping the Union to be more resilient energy system. In view of Russia's war of aggression against Ukraine, the Union should progress quickly towards full independence from Russian fossil fuels. Extending these measures would not only contribute to the continued safeguarding of security of supply, but would also constitute a key instrument in the Union's efforts to eliminate its dependence on imports of gas originating in the Russian Federation.

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3 Regulation (EU) 2022/1032 of the European Parliament and of the Council of 29 June 2022 amending Regulations (EU) 2017/1938 and (EC) No 715/2009 with regard to gas storage (OJ L 173, 30.6.2022, p. 17, ELI: http://data.europa.eu/eli/reg/2022/1032/oj).

4 ***Regulation (EU) 2017/1938 of the European Parliament and of the Council of 25 October 2017 concerning measures to safeguard the security of gas supply and repealing Regulation (EU) No 994/2010 (OJ L 280, 28.10.2017, p. 1, ELI: http://data.europa.eu/eli/reg/2017/1938/oj).***

(3) Regulation (EU) 2022/1032 amended Regulation (EU) 2017/1938 by introducing a temporary legal framework for measures regarding the filling level of underground ***gas*** storage facilities to strengthen the security of gas supply in the Union, in particular gas supplies to protected customers.

(4) Gas-storage facilities store gas amounting to 30% of the Union's gas consumption during the winter months, and well-filled underground gas storage facilities ***as well as voluntary gas demand reduction*** contribute substantially to the security of gas supply by providing additional gas in the event of ***tight supply and*** demand ***adequacy*** or supply disruptions.

(5) The laying down of a binding filling target and a filling trajectory with a series of intermediate targets for each Member State in February, May, July and September to ensure that gas storage facilities are 90 % full by 1 November of a respective year, proved to be fundamental ***during*** the energy crisis sparked by ***Russia's war of aggression against*** Ukraine for the purpose of both weathering the gas supply shortages and reducing market uncertainties and price volatility.

(6) Despite the substantial improvement in the state of the gas market compared to ***the period*** 2022-2023 ▌, the European gas market remains tight ***and the geopolitical situation remains unclear***. More intense competition for global LNG supplies can increase Member States' exposure to price volatility. In those ***cases***, the role of gas storage remains paramount. ▌

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(7) Pursuant to Regulation (EU) 2017/1938, the obligation of the Member States to follow an annual filling trajectory and to ensure that the filling target is met by 1 November of each year expires on 31 December 2025.

(8) The changed global political environment has to be taken into account with regard to the reliability of gas suppliers and gas-supplying countries.

(9) In light of the European success in reducing the risks associated with its gas import structure, the overall framework to meet ***the Union's need for gas should strike a balance between energy security and the return to market-based principles. It should therefore*** be flexible enough during the filling season to allow for a swift reaction to constantly changing market conditions and, in particular, to take advantage of the best purchasing conditions ***in order to reduce gas prices in Europe***. ***In particular, it should be possible for Member States to meet the filling target at any point in time between 1 October and 1 December, taking into account the start of the Member States' gas storage withdrawal period, without being required to maintain the storage level corresponding to the filling target until 1 December.***

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(10) The purpose of ▌ filling ***trajectories, set by*** Member States ***each year to represent their annual filling plan***, is to ensure that the binding ***filling*** target is met ***within the timeframe from 1 October to 1 December in a given year***. However, ***the filling trajectory should be*** indicative and should allow for storage-filling in such a way that there is sufficient flexibility available for market participants throughout the year, ***taking into account Commission*** Recommendation ***C(2025)1481 of 5 March 2025 on the implementation of the gas storage filling targets in 2025***.

(11) In the case of difficult conditions, such as indications of trading activities hindering cost-effective storage filling, low seasonal price spread, high price environment, storage levels below the trajectory at Member State level or unforeseen technical circumstances that would make storage injection difficult and costly, limiting the ability to ensure that the gas storages are filled in accordance with Regulation 2017/1938, Member States should have the possibility to deviate from the filling target by up to ten percentage points.

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(12) ***Moreover, in the case of persistent unfavourable market conditions, such as indications of possible market manipulation, or of trading activities hindering cost-effective storage-filling, that significantly limit the ability to ensure that the gas storages are filled in accordance with Regulation 2017/1938, the Commission should be empowered to further increase the level of deviation allowed by means of a delegated act. That increase should not exceed an additional five percentage points.***

(13) ***The*** Commission's assessment of the current energy security framework has confirmed the positive impact of the storage-filling requirements on the security of gas supply, and those positive effects should be preserved beyond 2025.

(14) ***At the same time, this Regulation should respond to current and future changes in the gas markets, contribute to the strategic objective of bringing down energy prices and facilitate the gradual return towards market-based mechanisms for storage-refilling.***

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(15) ***In order to maintain the security of supply and the appropriate level of filling of gas storage facilities, the Commission should continuously monitor the market and explore ways that could help meet the filling target, including by making more effective use of the opportunities offered by the demand aggregation and joint purchasing mechanism set up under Council Regulation (EU) 2022/2576[5].***

(16) It is therefore necessary to extend ***until the end of 2027*** the relevant gas storage-filling provisions that provide predictability and transparency as to the utilisation of gas storage facilities across the Union, ***while at the same time introducing some flexibility into those provisions***.

(17) ***Considering that the relevant gas storage-filling provisions should apply as a matter of urgency before the start of the next winter season in order for Member States to meet their target in time, this Regulation should enter into force on the day following that of its publication in the Official Journal of the European Union.***

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[5] ***Council Regulation (EU) 2022/2576 of 19 December 2022 enhancing solidarity through better coordination of gas purchases, reliable price benchmarks and exchanges of gas across borders (OJ L 335, 29.12.2022, p. 1, ELI: http://data.europa.eu/eli/reg/2022/2576/oj)***

(18) ***In line with the principles of better regulation and simplification, and reflecting the overall improvement in the Union's energy security framework, this Regulation should avoid introducing unnecessary administrative complexity.***

(19) ***As outlined in the Commission communication of 25 June 2026 entitled 'Action Plan for Affordable Energy', the recent energy crisis, the most severe Europe has seen yet, underscored the importance of EU-level coordination in managing price spikes in the internal market. To increase resilience in the face of any possible future energy crisis, Member States need tools for effective action and the security of supply regulatory framework needs to be strengthened, incorporating the lessons learned from recent developments. Among other issues, the concept of protected customers, the prevention of the distortion of competition and the proper functioning of the internal market, as well as the role of energy sources alternative to gas such as renewable energy sources and hydrogen, together with the role of energy efficiency, in an evolving energy mix should be given due consideration.***

(20) Regulation (EU) 2017/1938 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

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Article 1

Regulation (EU) 2017/1938 ***is amended as follows:***

(1) in Article 2, point (27) is replaced by the following:

'(27) "filling trajectory" means a series of indicative intermediate targets for the underground gas storage facilities of each Member State, representing the filling plan of that Member State, set in accordance with Article 6a(7).';

(2) Article 6a is amended as follows:

(a) in paragraph 1, the introductory wording is replaced by the following:

'1. Subject to paragraphs 2 to 5f, Member States shall meet the following filling targets for the aggregated capacity of all underground gas storage facilities that are located on their territory and directly interconnected to a market area in their territory and for storage facilities listed in Annex Ib at any point in time between 1 October and 1 December each year:';

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(b) the following paragraphs are inserted:

'5a. Notwithstanding paragraph 1 and without prejudice to the obligation of other Member States to fill the underground gas storage facilities concerned, in the case of difficult conditions that limit the ability to ensure that the underground gas storages are filled in accordance with this Regulation, each Member State may decide to deviate from the filling target set out in paragraph 1, point (b) by up to 10 percentage points.

5b. Notwithstanding paragraph 1, in addition to a possible deviation in accordance with the paragraph 5a and without prejudice to the obligation of other Member States to fill the underground gas storage facilities concerned, each Member State may decide to deviate from the filling target set out in paragraph 1, point (b) by up to five percentage points, if:

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(a) its national gas production exceeds its average annual gas consumption over the preceding two years; or

(b) specific technical characteristics of an individual underground storage facility with technical capacity above 40 TWh located on its territory require a slow injection rate causing an exceptionally long injection period of more than 115 days.

A Member State may only use the flexibilities provided under the first subparagraph, as long as this does not negatively impact the ability of directly connected Member States to supply gas to their protected customers or this does not negatively impact the functioning of the internal market in gas. The Commission, in cooperation with the Member States using the flexibilities referred to in this subparagraph, shall assess the potential consequences of implementing those flexibilities, and inform the GCG immediately.

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5c. In the case of persistent unfavourable market conditions and provided that the security of supply of the Union and the Member States is not undermined, the Commission is empowered to increase, for one filling season, the level of deviation allowed pursuant to paragraph 5a of this Article, by means of a delegated act in accordance with Article 19. Such an increase shall not exceed an additional five percentage points. When assessing a potential increase, the Commission shall take into account, in particular, the level of storage-filling, global gas supply, ENTSOG's seasonal supply outlook, and indications of market manipulation. When increasing, in accordance with this paragraph, the level of deviation allowed pursuant to paragraph 5a of this Article the Commission shall adapt the volumes set out in paragraph 2 of this Article and in Article 6c(1) and (5) to the same extent, in order to ensure full consistency in the filling targets applicable to Member States.

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5d Member States may, under the same conditions as those set out in paragraph 5a, decide to deviate by up to three percentage points and eighty-eight hundredth from the volume set out in paragraph 2.

5e. Member States may, under the same conditions as those set out in paragraph 5a of this Article, decide to deviate by up to one percentage point and sixty-six hundredth from the average annual gas consumption volume set out in Article 6c(1) and (5).

5f. A Member State using any of the flexibilities provided for in paragraphs 5a to 5e shall consult the Commission and provide justification immediately. The Commission shall update the GCG and any directly affected Member States on the cumulative effects of all used flexibilities without delay.';

(c) paragraphs 6, 7 and 8 are replaced by the following:

'6. In order to meet the filling target, Member States shall strive to follow the filling trajectory set in accordance with paragraph 7.

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7. ***For 2023 and the following years, each Member State with underground gas storage facilities shall submit to the Commission, by 15 September of the previous year, a 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.***

For Member States for which the filling target is reduced to 35 % of their average annual gas consumption pursuant to paragraph 2, the intermediate targets of the filling trajectory shall be reduced accordingly.

The Commission shall inform the GCG of the aggregated filling trajectories notified by Member States without undue delay.

8. ***Each Member State shall take all necessary measures in accordance with Article 6b to meet the filling target. Where, in any given year, a Member State does not meet its filling target, it shall take effective measures to ensure the security of supply while taking into consideration the price impact on the gas market. Where a Member State fails to meet the filling target, that Member State shall inform the Commission and the GCG without delay, providing reasons for the failure to meet the filling target and the measures taken.';***

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(d) paragraphs 10 and 11 are replaced by the following:

'10. The competent authority of each Member State may take all necessary measures in accordance with Article 6b to meet the filling trajectory, including the introduction of binding intermediate targets at national level. It shall continuously monitor alignment with the filling trajectory and shall inform the GCG regularly of the alignment with the filling trajectory. The Commission shall regularly inform the GCG of the extent to which each Member State meets the indicative trajectory.

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11. In the event of a substantial and sustained deviation by a Member State from the filling trajectory, compromising the meeting of the filling target, or in the event of a deviation from the filling target which is not allowed pursuant to paragraphs 5a to 5e, the Commission shall, where appropriate, after consulting the GCG and the Member States concerned, issue a recommendation to that Member State or to the other Member States concerned, regarding measures to be taken to remedy that deviation or to minimise the impact on security of supply, while taking into consideration, inter alia, possible difficult conditions or unfavourable market conditions as well as specificities of Member States, such as the technical characteristics and sizes of underground gas storage facilities in relation to domestic gas consumption, the declining importance of the underground low calorific gas storage facilities for the security of gas supply, and existing LNG storage capacity.';

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(3) In Article 6b, paragraph 2 is replaced by the following:

'2. The measures taken by the Member States pursuant to paragraph 1 of this Article shall be limited to what is necessary to meet the filling trajectories, where relevant, and the filling targets. All measures taken pursuant to Article 6a(8) and (10) shall be clearly defined, transparent, proportionate, non-discriminatory and verifiable. They shall not unduly distort competition or the proper functioning of the internal market in gas or endanger the security of gas supply of other Member States or the Union. Member States shall inform the Commission and the GCG of those measures without delay.';

(4) Article 6c is amended as follows:

(a) in paragraph 1, the first subparagraph is replaced by the following:

'1. A Member State without underground gas storage facilities shall 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 December, 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. However, where cross-border transmission capacity or other technical limitations prevent a Member State without underground gas storage facilities from fully using 15 % of those storage volumes, that Member State shall store only those volumes that are technically possible.';

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(b) in paragraph 2, the third subparagraph is replaced by the following:

'Member States without underground gas storage facilities shall demonstrate that they comply with paragraph 1 and shall notify the Commission accordingly.';

(c) in paragraph 5, first subparagraph, point (a) is replaced by the following:

'(a) ensure that, at any point in time between 1 October and 1 December, storage volumes correspond at least to the average usage of the storage capacity over the preceding five years, determined, inter alia, by taking into account the flows during withdrawal season over the preceding five years from the Member States where the storage facilities are located; or';

(d) paragraph 6 is deleted;

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(5) Article 6d is amended as follows:

(a) paragraphs 1 and 2 are replaced by the following:

'1. Storage system operators shall report the filling level, as set pursuant to Article 6a, to the competent authority in each Member State where the underground gas storage facilities concerned are located and, if applicable, to an entity designated by that Member State (the 'designated entity').

2. The competent authority and, if applicable, the designated entity of each Member State shall monitor the filling levels of the underground gas storage facilities on their territory at the end of each month and report the results to the Commission without undue delay. The competent authority shall include information on the share of gas originating in the Russian Federation that is being stored in that Member State as part of the working capacity of storage facilities, where such information is available.

The Commission may, where appropriate, invite the European Union Agency for the Cooperation of Energy Regulators (ACER) to assist with such monitoring.';

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(b) paragraphs 4 and 5 are replaced by the following:

'4. The GCG shall assist the Commission in the monitoring of the filling trajectories and the filling targets, and shall develop guidance for the Commission on adequate measures to ensure better alignment in the event that Member States deviate from the filling trajectories compromising the meeting of the filling target, or to ensure that the filling target is met. Where appropriate, the Commission may adopt measures to make more effective use of the opportunities offered by the demand aggregation and joint purchasing mechanism set up under Council Regulation (EU) 2022/2576[*].

5. Member States shall take the necessary measures to meet the filling target and to enforce upon market participants the storage obligations which are required to meet the filling target, including by imposing sufficiently deterrent sanctions and fines on those market participants. This is without prejudice to the role of the Commission to monitor and ensure proper application of this Regulation, including in providing assistance or guidance to the Member States in their efforts to implement this paragraph.

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[*] *Council Regulation (EU) 2022/2576 of 19 December 2022 enhancing solidarity through better coordination of gas purchases, reliable price benchmarks and exchanges of gas across borders (OJ L 335, 29.12.2022, p. 1, ELI: http://data.europa.eu/eli/reg/2022/2576/oj).';*

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(6) in Article 17a(1), the following point is added:

'(e) the information about the share of gas originating in the Russian Federation that is being stored in Union storage facilities, provided by Member States where available pursuant to Article 6d(2).';

(7) Article 18a is deleted;

(8) in Article 22 ▌ , ▌ paragraph ***4*** is replaced by the following:

'Article 2, points (27) to (31), Articles 6a to 6d, Article 16(3), Article 17a, ▌ Article 20(4) ***and Annex*** Ib shall apply until 31 December 2027.***';***

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(9) Annex Ia is deleted;

(10) Annex Ib is replaced by the following:

'ANNEX Ib
Shared responsibility for the filling target and the filling trajectory

With regard to the filling target and the filling trajectory pursuant to Article 6a, the Slovak Republic and Czechia share the responsibility concerning the storage facilities of Dolní Bojanovice. The exact ratio and extent of that responsibility of the Slovak Republic and Czechia is subject to a bilateral agreement of those Member States.

Without prejudice to Article 13 and in accordance with Article 11(6), point (b), the Slovak Republic and Czechia shall ensure that, when a crisis is declared pursuant to this Regulation, no measures affecting the Dolni Bojanovice storage facility that are likely to seriously endanger the gas supply situation or to undermine the ability of natural gas undertakings to supply gas to protected customers in line with the national gas supply standard are introduced.'.

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Article 2

Entry into force

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union.*

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at **...**,

For the European Parliament	*For the Council*
The President	*The President*

PUBLIC