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To: Permanent Representatives Committee

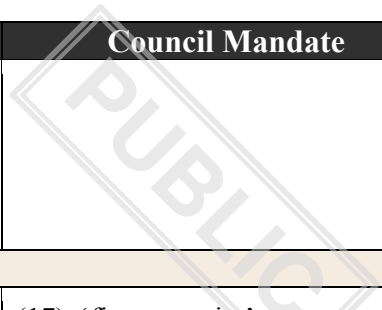
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Subject: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND
OF THE COUNCIL on the internal markets for renewable and natural
gases and for hydrogen (recast)
- Preparation for the trilogue

In view of Coreper on 22 September, delegations may find in the Annex the suggested 'provisionally agreed' compromises discussed at technical level.

'Provisionally agreed' compromise proposals discussed at technical level

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (a)				
90	(a) sets non-discriminatory rules for access conditions to natural gas and hydrogen systems taking into account the special characteristics of national and regional markets with a view to ensuring the proper functioning of the internal market in gases; and	(a) sets non-discriminatory rules for access conditions to natural gas and hydrogen systems taking into account the special characteristics of national and regional markets with a view to ensuring the proper functioning of the internal market in gases; and <u>gas as well as to contribute to the long-term flexibility of the electricity system;</u>	(a) sets non-discriminatory rules for access conditions to natural gas and hydrogen systems taking into account the special characteristics of national and regional markets with a view to ensuring the proper functioning of the internal market in gases ; and	(a) sets non-discriminatory rules for access conditions to natural gas and hydrogen systems taking into account the special characteristics of national and regional markets with a view to ensuring the proper functioning of the internal market in gases <u>as well as to contribute to the flexibility of the energy system; and</u> ;-and Provisionally agreed in technical meeting 01.09.2023 Text Origin: EP Mandate
Article 1, first paragraph, point (b)				
91	(b) facilitates the emergence of a well-functioning and transparent wholesale market with a high level of security of supply in gases and provides mechanisms to harmonise the network access rules for cross-border exchanges in gases.	(b) facilitates the emergence of a well-functioning and transparent wholesale market with a high level of security of supply in gases <u>gas</u> and provides mechanisms to harmonise the network access rules for cross-border exchanges in gases <u>gas</u> .	(b) facilitates the emergence and operation of a well-functioning and transparent wholesale market in gases with a high level of security of supply in gases and provides mechanisms to harmonise the network access rules for cross-border exchanges in gases .	(b) facilitates the emergence <u>and operation</u> of a well-functioning and transparent wholesale market <u>in gases</u> with a high level of security of supply in gases and provides mechanisms to harmonise the network access rules for cross-border exchanges in gases.



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Technical meeting 01.09.2023, provisionally agreed Text Origin: Council Mandate
Article 2(1), point (17)				
113	(17) ‘firm capacity’ means gas transmission capacity contractually guaranteed as uninterruptible by the transmission system operator or hydrogen network operator;	(17) ‘firm capacity’ means gas transmission capacity contractually guaranteed as uninterruptible by the transmission system operator or hydrogen network operator;	(17) ‘firm capacity’ means gas transmission, distribution and hydrogen transport capacity contractually guaranteed as uninterruptible by the transmission or distribution system operator or hydrogen network operator;	(17) ‘firm capacity’ means gas transmission, <u>distribution and hydrogen transport</u> capacity contractually guaranteed as uninterruptible by the transmission <u>or distribution</u> system operator or hydrogen network operator; 20.06 technical meeting Text Origin: Council Mandate
Article 2(1), point (24)				
120	(24) ‘physical congestion’ means a situation where the level of demand for actual deliveries exceeds the technical capacity at some point in time;	<i>deleted</i>	(24) ‘physical congestion’ means a situation where the level of demand for actual deliveries exceeds the technical capacity at some point in time;	(24) ‘physical congestion’ means a situation where the level of demand for actual deliveries exceeds the technical capacity at some point in time; 20.06 technical meeting Text Origin: Commission Proposal
Article 2(1), point (30)				
126	(30) ‘entry-exit system’ means the	(30) ‘entry-exit system’ means the	(30) ‘entry-exit system’ means an	(30) ‘entry-exit system’ means <u>an</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	aggregation of all transmission and distribution systems to which one specific balancing regime applies;	aggregation of all <u>an access model for natural gas</u> transmission and/or distribution systems to which one specific balancing regime applies <u>where system users book capacity rights independently on entry and exit points;</u>	access model for natural gas where system users book capacity rights independently on entry- and exit points. The entry-exit system includes the aggregation of all transmission system and may include the and distribution systems to which one specific balancing regime applies; system or parts of a distribution system.	<u>access model for natural gas where system users book capacity rights independently on entry- and exit points. The entry-exit system includes the</u> the aggregation of all transmission <u>system and may include the</u> and distribution systems <u>to which one specific balancing regime applies;</u> system or parts of a distribution system. 20.06 technical meeting Text Origin: Council Mandate
Article 2(1), point (31)				
127	(31) ‘balancing zone’ means an entry-exit system to which a specific balancing regime is applicable;	(31) ‘balancing zone’ means an entry-exit system to which a specific balancing regime is applicable;	(31) ‘balancing zone’ means an entry-exit a system to which a specific balancing regime is applicable and which includes the transmission system and may include distribution systems or parts of such distribution systems;	(31) ‘balancing zone’ means an entry-exit <u>a</u> system to which a specific balancing regime is applicable <u>and which includes the transmission system and may include distribution systems or parts of such distribution systems;</u> 20.06 technical meeting Text Origin: Council Mandate
Article 2(1), point (37)				
133	(37) ‘allowed revenue’ means the sum of transmission services revenue and non-transmission	(37) ‘allowed revenue’ means the sum of transmission services revenue and non-transmission	(37) ‘allowed revenue’ means the sum of transmission services revenue and non-transmission	(37) ‘allowed revenue’ means the sum of transmission services revenue and non-transmission

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	services revenue for the provision of services by the transmission system operator for a specific time period within a given regulatory period which such transmission system operator is entitled to obtain under a non-price cap regime and which is set in accordance with Article 72(7), point a, of recast Gas Directive as proposed in COM(2021) xxx;	services revenue for the provision of services by the transmission system operator for a specific time period within a given regulatory period which such transmission system operator is entitled to obtain under a non-price cap regime and which is set in accordance with Article 72(7), point a, of recast Gas Directive as proposed in COM(2021) xxx;	services revenue for the provision of services by the transmission system operator for a specific time period within a given regulatory period which such transmission system operator is entitled to obtain under a non-price cap regime and which is set in accordance with Article 72(7), point a, of [the recast Gas Directive as proposed in COM(2021) xxxCOM (2021)] 803;;	services revenue for the provision of services by the transmission system operator for a specific time period within a given regulatory period which such transmission system operator is entitled to obtain under a non-price cap regime and which is set in accordance with Article 72(7), point a, of [the recast Gas Directive as proposed in COM(2021) xxx COM (2021)] 803;; 20.06 technical meeting Text Origin: Council Mandate
Article 3, first paragraph				
140	Member States, regulatory authorities, transmission system operators, distribution system operators, storage operators, LNG operators, hydrogen system operators, and delegated operators such as market area operators or booking platform operators shall ensure that gases markets are operated in accordance with the following principles:	Member States, regulatory authorities, transmission system operators, distribution system operators, storage operators, LNG operators, hydrogen system operators, and delegated operators such as market area operators or booking platform operators shall ensure that gases gas markets are operated in accordance with the following principles:	Member States, regulatory authorities, transmission system operators, distribution system operators, storage operators, LNG operators, and hydrogen system operators, and delegated operators such as market area operators managers or booking platform operators shall ensure that gases markets markets for gases are operated in accordance with the following principles:	Member States, regulatory authorities, transmission system operators, distribution system operators, storage operators, LNG operators, and hydrogen system operators, and delegated operators such as market area operators managers or booking platform operators shall ensure that gases markets markets for gases are operated in accordance with the following principles: Provisionally closed at 18/9 ITM;

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				<p>pending decision on gas vs gases (linguistic)</p> <p>Text Origin: Council Mandate</p>
Article 3, first paragraph, point (a)				
141	(a) prices for gases shall be formed on the basis of demand and supply;	(a) prices for gases gas shall be formed on the basis of demand and supply;	(a) prices for gases shall be formed on the basis of demand and supply;	<p>(a) prices for gases shall be formed on the basis of demand and supply;</p> <p>Provisionally closed at 18/9 ITM; pending decision on gas vs gases (linguistic)</p> <p>Text Origin: Commission Proposal</p>
Article 3, first paragraph, point (f)				
146	(f) balancing actions shall be performed on the basis of standardized products and conducted on a trading platform;	(f) balancing actions shall be performed on the basis of standardized products and conducted on a trading platform;	(f) balancing actions shall be performed on the basis of standardized products in line with the network code on balancing or established pursuant to Article 6(11) of Regulation 715/2009 and conducted on a trading platform or by the use of balancing services in line with that network code;	<p>(f) balancing actions shall be performed on the basis of standardized products <u>in line with the network code on balancing established pursuant to Article 6(11) of Regulation 715/2009</u> and conducted on a trading platform <u>or by the use of balancing services in line with that network code;</u></p> <p>Provisionally agreed at 18/9 ITM</p> <p>Text Origin: Council Mandate</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 3, first paragraph, point (g)				
147	(g) market rules shall avoid actions which prevent price formation on the basis of demand and supply for gases;	(g) market rules shall avoid actions which prevent price formation on the basis of demand and supply for gases <u>gas</u> ;	(g) market rules shall avoid actions which prevent price formation on the basis of demand and supply for gases;	(g) market rules shall avoid actions which prevent price formation on the basis of demand and supply for gases; Provisionally closed at 18/9 ITM; pending decision on gas vs gases (linguistic) Text Origin: Commission Proposal
Article 3, first paragraph, point (ga)				
147a		<u>(ga) market rules shall ensure a consumer-centred and energy efficient approach in the natural gas and hydrogen market;</u>		<u>(ga) market rules shall ensure a consumer-centred and energy efficient approach in the natural gas and hydrogen market;</u> Provisionally closed at 18/9 ITM Text Origin: EP Mandate
Article 3, first paragraph, point (h)				
148	(h) market rules shall foster the emergence and functioning of liquid trading for gases, fostering	(h) market rules shall foster the emergence and functioning of liquid trading for gases <u>gas</u> ,	(h) market rules shall foster the emergence and functioning of liquid trading for gases, fostering	(h) market rules shall foster the emergence and functioning of liquid trading for gases, fostering

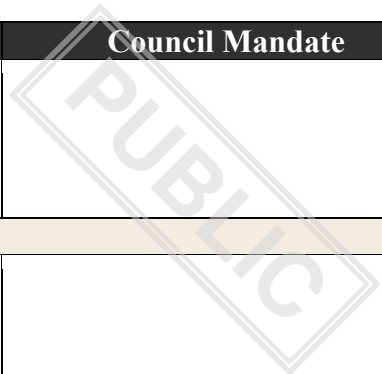
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	price formation and price transparency;	fostering price formation and price transparency;	price formation and price transparency;	price formation and price transparency; Provisionally closed at 18/9 ITM; pending decision on gas vs gases (linguistic) Text Origin: Commission Proposal
Article 4(1)				
154	1. Where a transmission system operator or a hydrogen network operator provides regulated services for gas, hydrogen and/or electricity, it shall comply with the requirement for unbundling of accounts as laid down in Article 69 of [recast Gas Directive as proposed in COM(2021) xxx] and Article 56 of Directive (EU) 2019/944 and it shall have a regulatory asset base separately for gas, electricity or hydrogen assets. A separate regulatory asset base shall ensure that:	1. Where a transmission system operator or a hydrogen network operator provides regulated services for gas, hydrogen and/or electricity, it shall comply with the requirement for unbundling of accounts as laid down in Article 69 of [recast Gas Directive as proposed in COM(2021) xxx] and Article 56 of Directive (EU) 2019/944 and it shall have a <u>separate</u> regulatory asset base separately for gas, electricity or hydrogen assets. A separate regulatory asset base shall ensure that:	1. Where a transmission or distribution system operator or a hydrogen network operator provides regulated services for natural gas, hydrogen and/or electricity, it shall comply with the requirement for unbundling of accounts as laid down in Article 69 of [recast Gas Directive as proposed in COM(2021) xxx] and Article 56 of Directive (EU) 2019/944 and it shall have a regulatory asset base separately for natural gas, electricity or hydrogen assets. A separate regulatory asset base shall ensure that:	1. Where a transmission <u>or distribution</u> system operator or a hydrogen network operator provides regulated services for <u>natural</u> gas, hydrogen and/or electricity, it shall comply with the requirement for unbundling of accounts as laid down in Article 69 of [recast Gas Directive as proposed in COM(2021) xxx] and Article 56 of Directive (EU) 2019/944 and it shall have a <u>separate</u> regulatory asset base separately for <u>for natural</u> gas, electricity or hydrogen assets. A separate regulatory asset base shall ensure that: Provisionally agreed at 12.09. ITM Text Origin: EP Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 4(1), point (a)				
155	(a) services revenues obtained from the provision of specific regulated services can only be used to recover the capital and operational expenditures related to the assets included in the regulated assets base on which the regulated services were provided;	(a) services revenues obtained from the provision of specific regulated services can only be used <u>only</u> to recover the capital and operational expenditures related to the assets included in the regulated <u>regulatory</u> assets base on which the regulated services were provided;	(a) services revenues obtained from the provision of specific regulated services can only be used to recover the capital and operational expenditures related to the assets included in the regulated <u>regulatory</u> assets base on which the regulated services were provided;	(a) services revenues obtained from the provision of specific regulated services can only be used <u>only</u> to recover the capital and operational expenditures related to the assets included in the regulated <u>regulatory</u> assets base on which the regulated services were provided; Provisionally agreed at 12.09. ITM Text Origin: EP Mandate
Article 4(1), point (b)				
156	(b) when assets are transferred to a different regulatory asset base, their value will be established. The value set for the transferred asset is subject to an audit and approval by the competent regulatory authority. The value established will be such that cross-subsidies do not occur.	(b) when assets are transferred to a different regulatory asset base, their value will be established. The value set for the transferred asset is subject to an audit and approval by the competent regulatory authority. The value established will be such that cross-subsidies do not occur.	(b) when assets are transferred to a different- regulatory asset base, their value will be established. The value set for the transferred asset is subject to an audit and approval by the competent regulatory authority. The value established will be such that cross-subsidies do not occur.	(b) when assets are transferred to a different- regulatory asset base, their value will be <u>is</u> established. The value set for the transferred asset is subject to an audit and approval by the competent regulatory authority. The value established will be <u>is</u> such that cross-subsidies do not occur. Provisionally agreed at 12.09. ITM Text Origin: Council Mandate

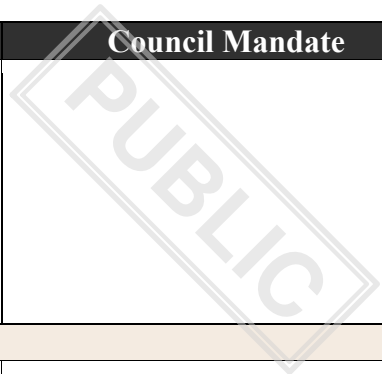
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 4(2)				
157	2. A Member State may allow financial transfers between regulated services that are separate as meant in in the first paragraph, provided that:	2. A Member State may shall not allow financial transfers between regulated services that are separate as meant in in the first within the meaning of paragraph, provided that: 1.	2. A Member State may allow financial transfers between regulated services that are separate as meant in in the first paragraph within the meaning of paragraph 1 , provided that:	2. A Member State may shall not allow financial transfers between regulated services that are separate as meant in in the first within the meaning of paragraph, provided that: 1. Provisionally agreed at 12.09. ITM Text Origin: EP Mandate
Article 4(2), point (db)				
161b		<u>2b. By way of derogation from paragraph 2 of this Article, the regulatory authority referred to in Article 70 of recast Gas Directive may allow, as a last resort, where no more cost-efficient options are available, financial transfers between regulated services that are separate within the meaning of paragraph 1. The regulatory authority shall take such a decision only on the basis of an impact assessment that demonstrates the impact of those financial transfers on cross-subsidisation between users of gas</u>		<u>(db) By way of derogation from paragraph 2 of this Article, a Member State may allow financial transfers between regulated services that are separate within the meaning of paragraph 1, provided that the regulatory authority referred to in Article 70 [recast Gas Directive as proposed in COM(2021) xxx]] has established that the financing of networks through network access tariffs paid by its network users only is not viable. The regulatory authority shall inter alia consider in its</u>



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		<u>networks and users of hydrogen networks and confirms the cost-efficiency of those financial transfers, the fact that the level playing field across Member States is preserved and that the resulting gas network tariffs do not unreasonably distort cross-border trade.</u>		<u>assessment the value of projected financial transfers, the resulting cross-subsidisation between users of the respective networks and the cost-efficiency of those financial transfers.</u> <u>The following conditions apply to a financial transfer in the meaning of this paragraph 1:</u> Provisionally agreed at 12.09. ITM
Article 4(2), point (dd)				
161d		<u>(a) all revenues needed for the financial transfer are collected as a dedicated charge;</u>		<u>(a) all revenues needed for the financial transfer are collected as a dedicated charge;</u> Provisionally agreed at 12.09. ITM Text Origin: EP Mandate
Article 4(2), point (de)				
161e		<u>(b) the dedicated charge is collected only from exit points to final customers located within the same Member States as the beneficiary of the financial transfer;</u>		<u>(b) the dedicated charge is collected only from exit points to final customers located within the same Member States as the beneficiary of the financial transfer;</u>



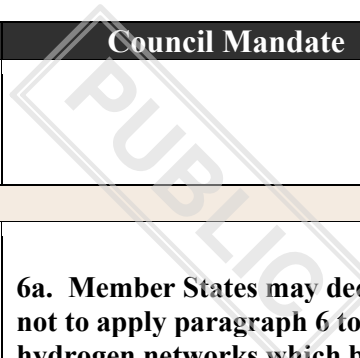
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Provisionally agreed at 12.09. ITM Text Origin: EP Mandate
Article 4(2), point (df)				
161f		<u>(c) the dedicated charge and financial transfer or the methodologies underlying their calculation are approved prior to their entry into force by the regulatory authority referred to in Article 70 of recast Gas Directive and their implementation starts at the beginning of a defined gas year;</u>		<u>(c) the dedicated charge and financial transfer or the methodologies underlying their calculation are approved prior to their entry into force by the regulatory authority referred to in Article 70 of recast Gas Directive;</u> Provisionally agreed at 12.09. ITM Text Origin: EP Mandate
Article 4(2), point (dg)				
161g		<u>(d) the approved dedicated charge and financial transfer and the methodologies, where methodologies are approved are published before their implementation;</u>		<u>(d) the approved dedicated charge and financial transfer and the methodologies, where methodologies are approved, are published no later than thirty days before their date of implementation;</u> Provisionally agreed at 12.09. ITM
Article 4(2), point (dh)				



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161h		<u>(e) ACER has issued a recommendation, in accordance with paragraph 4, and the Commission has been notified of the dedicated charges.</u>		<u>(e) the Commission has been notified of the allowed dedicated charges.</u> Provisionally agreed at 12.09. ITM
Article 4(3)				
162	3. The regulatory authority may only approve a financial transfer and dedicated charge referred to in paragraph 2, provided that:	3. The regulatory authority may only approve a financial transfer and dedicated charge referred to in paragraph 2 <u>2b</u> , provided that:	3. The regulatory authority may only approve a financial transfer and dedicated charge referred to in paragraph 2, provided that:	3. The regulatory authority may only approve a financial transfer and dedicated charge referred to in paragraph 2 <u>2b</u> , provided that: Provisionally agreed at 12.09. ITM Text Origin: EP Mandate
Article 4(3), point (b)				
164	(b) the sum of financial transfers and service revenues collected through network access tariffs cannot be larger than the allowed revenues;	(b) the sum of financial transfers and service revenues collected through network access tariffs cannot be larger than the allowed revenues;	(b) the sum of financial transfers and service revenues collected through network access tariffs cannot be not larger than the allowed and target revenues;	(b) the sum of financial transfers and service revenues collected through network access tariffs cannot be are not larger than the allowed and target revenues; Provisionally agreed at 12.09. ITM Text Origin: Council Mandate
Article 4(3), point (c)				

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165	(c) a financial transfer is approved for a limited period in time and can never be longer than one third of the depreciation period of the infrastructure concerned.	(c) a financial transfer is approved for a limited period in time and can never be longer than one third of the depreciation period of the infrastructure concerned.	(c) a financial transfer is approved for a limited period in time and, in no event, for a can never be longer period than one third of the remaining depreciation period of the infrastructure concerned.	(c) a financial transfer is approved for a limited period in time and, in no event, for a can never be longer period than one third of the remaining depreciation period of the infrastructure concerned. Provisionally agreed at 12.09. ITM Text Origin: Council Mandate
Article 4(4), first subparagraph, point (-a)				
166a				<u>(-a) setting the inter-temporal cost allocation;</u> Provisionally agreed at 12.09. ITM
Article 4(4), first subparagraph, point (a)				
167	(a) the determination of the value of the assets that are transferred to another regulated asset base and the destination of any profits and losses that may occur as a result;	(a) the determination of the value of the assets that are transferred to another regulated regulatory asset base and the destination of any profits and losses that may occur as a result;	(a) the determination of the value of the assets that are transferred to another regulated regulatory asset base and the destination of any profits and losses that may occur as a result;	(a) the determination of the value of the assets that are transferred to another regulated regulatory asset base and the destination of any profits and losses that may occur as a result; Provisionally agreed at 12.09. ITM Text Origin: EP Mandate

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Article 4(4), second subparagraph				
170	ACER shall update the recommendations at least once every two years.	<u>3c.</u> ACER shall update the recommendations <u>referred to in the first subparagraph</u> at least once every two years.	ACER shall update the recommendations at least once every two years.	ACER shall update the recommendations <u>referred to in the first subparagraph</u> at least once every two years. Provisionally agreed at 12.09. ITM Text Origin: EP Mandate
Article 6				
184	Article 6 Third-party access services concerning hydrogen network operators	Article 6 Third-party access services concerning hydrogen network operators	Article 6 Third-party access services concerning hydrogen network operators	Article 6 Third-party access services concerning hydrogen network operators Text Origin: Commission Proposal
Article 6(2)				
186	2. The maximum capacity of a hydrogen network shall be made available to market participants, taking into account system integrity and efficient network operation.	2. The maximum capacity of a hydrogen network shall be made available to market participants, taking into account system integrity and efficient network operation.	2. The maximum capacity of a hydrogen network shall be made available to market participants, taking into account system integrity and efficient and safe network operation.	2. The maximum capacity of a hydrogen network shall be made available to market participants, taking into account system integrity and efficient <u>and safe</u> network operation. Provisionally agreed at 01.09. technical meeting

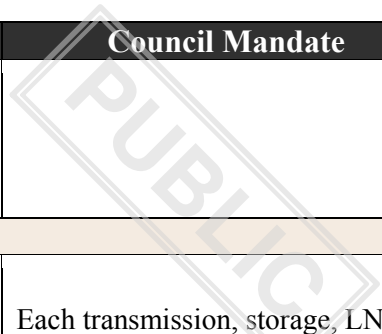


	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Council Mandate
Article 6(6a)				
190a			6a. Member States may decide not to apply paragraph 6 to hydrogen networks which benefit from a derogation pursuant to Article 48 [Recast Gas Directive] and are not connected to another hydrogen network .	<u>6a. Member States may decide not to apply paragraph 6 to hydrogen networks which benefit from a derogation pursuant to Article 48 [Recast Gas Directive] and are not connected to another hydrogen network .</u> Text Origin: Council Mandate
Article 8, first paragraph				
210	LNG and storage system operators shall, at least every two years, assess market demand for new investment allowing the use of renewable and low carbon gases in the facilities. When planning new investments, LNG and storage system operators shall assess market demand and take into account security of supply. LNG and storage system operators shall make publicly available any plans regarding new investments allowing the usage of renewable and low carbon gases in their	LNG and storage system operators shall, <u>in cooperation with relevant regulatory authorities and</u> at least every two years, assess market demand for new investment, allowing the use of renewable <u>gas</u> and low carbon <u>gases</u> in the facilities, <u>including repurposing for hydrogen derivatives and hydrogen terminals</u> . When planning new investments, LNG and storage system operators shall assess market demand and take into account security of supply, <u>as well as market demand for liquid</u>	LNG and storage system operators shall, at least every two years, assess market demand for new investment allowing the use of renewable and low carbon gases, including hydrogen compounds such as liquid ammonia and liquid organic hydrogen carriers , in the facilities. When planning new investments, LNG and storage system operators shall assess market demand and take into account security of supply. LNG and storage system operators shall	LNG and storage system operators shall, at least every two years, assess market demand for new investment allowing the use of renewable and low carbon gases, <u>including hydrogen compounds such as liquid ammonia and liquid organic hydrogen carriers</u> , in the facilities. <u>Those operators shall inform relevant regulatory authorities on the outcome of the market demand assessment</u> . When planning new investments, LNG and storage system operators shall assess market demand <u>in view of</u>

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	facilities.	<u>hydrogen and new related investments</u> . LNG and storage system operators shall make publicly available any plans regarding new investments allowing <u>prioritising</u> the usage of renewable <u>gas</u> and low carbon gases <u>gas</u> in their facilities.	make publicly available any plans regarding new investments allowing the usage of renewable and low carbon gases in their facilities.	<u>facilitating the usage of renewable and low-carbon gases in their facilities</u> and take into account security of supply. LNG and storage system operators shall make publicly available any plans regarding new investments allowing the usage of renewable and low carbon gases in their facilities. Provisionally agreed at 18/9 ITM
Article 10(1)				
223	1. The maximum capacity of a natural gas storage and LNG or hydrogen storage facility as well as of hydrogen terminals shall be made available to market participants, taking into account system integrity and operation.	1. The maximum capacity of a natural gas storage and LNG or hydrogen storage facility as well as of hydrogen terminals shall be made available to market participants, taking into account system integrity and operation.	1. The maximum capacity of a natural gas storage and LNG facility, LNG facility or hydrogen storage facility as well as of hydrogen terminals shall be made available to market participants, taking into account system integrity and operation.	1. The maximum capacity of a natural gas storage and LNG facility, LNG facility or hydrogen storage facility as well as of hydrogen terminals shall be made available to market participants, taking into account system integrity and operation. Provisionally agreed - technical meeting 01.09.2023 Text Origin: Council Mandate
Article 10(2)				
224	2. LNG and hydrogen storage	2. LNG and hydrogen storage	2. Operators of LNG and	2. <u>Operators of</u> LNG and

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	facilities as well as hydrogen terminal and natural gas storage system operators shall implement and publish non-discriminatory and transparent capacity-allocation mechanisms which shall:	facilities as well as hydrogen terminal and natural gas storage system operators shall implement and publish non-discriminatory and transparent capacity-allocation mechanisms which shall:	hydrogen storage facilities as well as hydrogen terminal and natural gas storage system operators shall implement and publish non-discriminatory and transparent capacity-allocation mechanisms which shall:	hydrogen storage facilities as well as hydrogen terminal and natural gas storage system operators shall implement and publish non-discriminatory and transparent capacity-allocation mechanisms which shall: Provisionally agreed - technical meeting 01.09.2023 Text Origin: Council Mandate
Article 10(2), point (b)				
226	(b) be compatible with the market mechanism including spot markets and trading hubs, while being flexible and capable of adapting to evolving market circumstances;	(b) be compatible with the market mechanism including spot markets and trading hubs, while being flexible and capable of adapting to evolving market circumstances;	(b) be compatible with the market mechanism mechanisms including spot markets and trading hubs, while being flexible and capable of adapting to evolving market circumstances;	(b) be compatible with the market mechanism mechanisms including spot markets and trading hubs, while being flexible and capable of adapting to evolving market circumstances; Provisionally agreed - technical meeting 01.09.2023 Text Origin: Council Mandate
Article 10(3), point (a)				
229	(a) the system operator shall offer unused LNG facility, hydrogen terminal and storage capacity on	(a) the system operator shall offer unused LNG facility, hydrogen terminal and storage capacity on	(a) the system operator shall offer unused LNG facility, hydrogen terminal and storage capacity on	(a) the system operator shall offer unused LNG facility, hydrogen terminal and storage capacity on

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	the primary market without delay; for storage facilities this shall be at least on a day-ahead and interruptible basis;	the primary market without delay; for storage facilities this shall be at least on a day-ahead and interruptible basis;	the primary market without delay; for natural gas storage facilities this shall be at least on a day-ahead and interruptible basis;	the primary market without delay; for <u>natural gas</u> storage facilities this shall be at least on a day-ahead and interruptible basis; Provisionally agreed - technical meeting 01.09.2023 Text Origin: Council Mandate
Article 10(3), point (b)				
230	(b) LNG facility, hydrogen terminal and storage facility users who wish to re-sell their contracted capacity on the secondary market shall be entitled to do so; LNG facility, hydrogen terminal and storage system operators, individually or regionally, shall ensure a transparent and non-discriminatory booking platform for LNG facility, hydrogen terminal and storage facility users to re-sell their contracted capacity on the secondary market no later than 18 months after [date of entry into force of this Regulation].	(b) LNG facility, hydrogen terminal and storage facility users who wish to re-sell their contracted capacity on the secondary market shall be entitled to do so; LNG facility, hydrogen terminal and storage system operators, individually or regionally, shall ensure a transparent and non-discriminatory booking platform for LNG facility, hydrogen terminal and storage facility users to re-sell their contracted capacity on the secondary market no later than 18 months after [date of entry into force of this Regulation].	(b) LNG facility, hydrogen terminal and storage facility Users who wish to re-sell their contracted capacity on the secondary market shall be entitled to do so; LNG facility, hydrogen terminal, hydrogen storage and natural gas and storage system operators , individually or regionally, shall ensure the availability of a transparent and non-discriminatory booking platform for LNG facility, hydrogen terminal, hydrogen storage facility and natural gas and storage facility users to re-sell their contracted capacity on the secondary market no later than 18 months after [date of entry into force of this Regulation].	(b) LNG facility, hydrogen terminal and storage facility Users who wish to re-sell their contracted capacity on the secondary market shall be entitled to do so; LNG facility, hydrogen terminal, <u>hydrogen storage and natural gas</u> and storage system operators , individually or regionally, shall ensure <u>the availability of</u> a transparent and non-discriminatory booking platform for LNG facility, hydrogen terminal, <u>hydrogen storage facility and natural gas</u> and storage facility users to re-sell their contracted capacity on the secondary market no later than 18 months after [date of entry into force of this Regulation]. Provisionally agreed - technical



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				meeting 01.09.2023 Text Origin: Council Mandate
Article 11, first paragraph				
232	Each transmission, storage, LNG and hydrogen system operator shall take reasonable steps to allow capacity rights to be freely tradable and to facilitate such trade in a transparent and non-discriminatory manner. Every such operator shall develop harmonised contracts and procedures for transport, LNG facility, hydrogen terminals and natural gas and hydrogen storage facilities on the primary market to facilitate secondary trade of capacity and shall recognise the transfer of primary capacity rights where notified by system users.	Each transmission, storage, LNG and hydrogen system operator shall take reasonable steps to allow capacity rights to be freely tradable and to facilitate such trade in a transparent and non-discriminatory manner. Every such operator shall develop harmonised contracts and procedures for transport, LNG facility, hydrogen terminals and natural gas and hydrogen storage facilities on the primary market to facilitate secondary trade of capacity and shall recognise the transfer of primary capacity rights where notified by system users.	Each transmission, storage, LNG and hydrogen system operator shall take reasonable steps to allow capacity rights to be freely tradable and to facilitate such trade in a transparent and non-discriminatory manner. Every such operator shall develop harmonised contracts and procedures for transport, LNG facility facillities , hydrogen terminals and natural gas and hydrogen storage facilities on the primary market to facilitate secondary trade of capacity and shall recognise the transfer of primary capacity rights where notified by system users.	Each transmission, storage, LNG and hydrogen system operator shall take reasonable steps to allow capacity rights to be freely tradable and to facilitate such trade in a transparent and non-discriminatory manner. Every such operator shall develop harmonised contracts and procedures for transport, LNG facility facilities , hydrogen terminals and natural gas and hydrogen storage facilities on the primary market to facilitate secondary trade of capacity and shall recognise the transfer of primary capacity rights where notified by system users. Provisionally closed at 18/9 ITM Text Origin: Commission Proposal
Article 13(1), first subparagraph				
243	1. The Commission shall examine	1. The Commission shall examine	1. The Commission shall examine	1. The Commission shall examine

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	any notification of a decision on the certification of a transmission system operator or a hydrogen network operator as laid down in Article 65(6) of [the recast gas Directive as proposed in COM(2021)xxx] as soon as it is received. Within two months of the day of receipt of such notification, the Commission shall deliver its opinion to the relevant regulatory authority in regard to its compatibility with Article 65(2) or Article 66, and Article 54 of Recast Gas Directive for transmission system operators, and Article 65 of that Directive for hydrogen network operators.	any notification of a decision on the certification of a transmission system operator or a hydrogen network operator as laid down in Article 65(6) of [the recast gas Directive as proposed in COM(2021)xxx] as soon as it is received. Within two months of the day of receipt of such notification, the Commission shall deliver its opinion to the relevant regulatory authority in regard to its compatibility with Article 65(2) or Article 66, and Article 54 of Recast Gas Directive for transmission system operators, and Article 65 of that Directive for hydrogen network operators.	any notification of a decision on the certification of a transmission system operator or a hydrogen network operator as laid down in Article 65(6) of [the recast gas Directive as proposed in COM(2021)xxx] as soon as it is received. Within two months of the day of receipt of such notification, the Commission shall deliver its opinion to the relevant regulatory authority in regard to its compatibility with Article 65(2) or Article 66, and Article 54 of Recast Gas Directive for transmission system operators, and Article 65 62 of that Directive for hydrogen network operators.	any notification of a decision on the certification of a transmission system operator or a hydrogen network operator as laid down in Article 65(6) of [the recast gas Directive as proposed in COM(2021)xxx] as soon as it is received. Within two months of the day of receipt of such notification, the Commission shall deliver its opinion to the relevant regulatory authority in regard to its compatibility with Article 65(2) or Article 66, and Article 54 of Recast Gas Directive for transmission system operators, and Article 65 62 of that Directive for hydrogen network operators. Provisionally closed at 18/9 ITM Text Origin: Council Mandate
Article 13(3)				
247	3. At any time during the procedure regulatory authorities or the Commission may request from a transmission system operator, hydrogen network operator and/or an undertaking performing any of the functions of production or supply any information relevant to	3. At any time during the procedure regulatory authorities or the Commission may request from a transmission system operator, hydrogen network operator and/or an undertaking performing any of the functions of production or supply any information relevant to	3. At any time during the procedure regulatory authorities or the Commission may request from a transmission system operator, a hydrogen network operator and/or an undertaking performing any of the functions of production or supply any information relevant to	3. At any time during the procedure regulatory authorities or the Commission may request from a transmission system operator, <u>a</u> hydrogen network operator and/or an undertaking performing any of the functions of production or supply any information relevant to

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the fulfilment of their tasks under this Article.	the fulfilment of their tasks under this Article.	the fulfilment of their tasks under this Article.	the fulfilment of their tasks under this Article. Provisionally closed at 18/9 ITM Text Origin: Council Mandate
Article 13(5)				
249	5. The Commission is empowered to adopt delegated acts in accordance with Article 63 to provide guidelines setting out the details of the procedure to be followed for the application of paragraphs 1 and 2 of this Article.	5. The Commission is empowered to adopt delegated acts in accordance with Article 63 to provide guidelines setting out the details of the procedure to be followed for the application of paragraphs 1 and 2 of this Article.	5. The Commission is empowered to adopt delegated acts in accordance with Article 63 to provide supplement this Regulation by providing guidelines setting out the details of the procedure to be followed for the application of paragraphs 1 and 2 of this Article.	5. The Commission is empowered to adopt delegated acts in accordance with Article 63 to provide supplement this Regulation by providing guidelines setting out the details of the procedure to be followed for the application of paragraphs 1 and 2 of this Article. Provisionally closed at 18/9 ITM Text Origin: Council Mandate
Article 13a				
250a			Article 13a Article 13a¹ Certification of storage system operators 1. The whole article incorporates in the text the provision of Article 3a as	<u>Article 13a</u> <u>Certification of storage system operators</u> Lines 250a-250ab provisionally closed at 18/9 ITM

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			introduced in the 2009 Gas regulation by Regulation (EU) 2022/1032. [Cross referencing will be adapted at a later stage].	Text Origin: Council Mandate
Article 13a(1), first subparagraph				
250b			<p>1. Member States shall ensure that each storage system operator, including any storage system operator controlled by a transmission system operator, is certified in accordance with the procedure laid down in this Article, either by the national regulatory authority or by another competent authority designated by the Member State concerned pursuant to Article 3(2) of Regulation (EU) 2017/1938 of the European Parliament and of the Council¹ (in either case, "certifying authority").</p> <p>1. 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).²"</p>	<p><u>1. Member States shall ensure that each storage system operator, including any storage system operator controlled by a transmission system operator, is certified in accordance with the procedure laid down in this Article, either by the national regulatory authority or by another competent authority designated by the Member State concerned pursuant to Article 3(2) of Regulation (EU) 2017/1938 of the European Parliament and of the Council¹ (in either case, "certifying authority").</u></p> <p><u>1. 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).²"</u></p> <p>Text Origin: Council Mandate</p>
Article 13a(1), second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
250c			<p>This Article also applies to storage system operators controlled by transmission system operators which have already been certified under the unbundling rules laid down in Articles 9, 10 and 11 of Directive 2009/73/EC.</p>	<p><u><i>This Article also applies to storage system operators controlled by transmission system operators which have already been certified under the unbundling rules laid down in Articles 9, 10 and 11 of Directive 2009/73/EC.</i></u></p> <p>Text Origin: Council Mandate</p>
Article 13a(2), first subparagraph				
250d			<p>2. The certifying authority shall issue a draft certification decision in respect of storage system operators that operate underground gas storage facilities with a capacity of over 3,5 TWh where, regardless of the number of storage system operators, total storage facilities were filled on 31 March 2021 and on 31 March 2022 at a level which, on average, was less than 30 % of their maximum capacity by 1 February 2023 or within 150 working days of the date of receipt of a notification pursuant to paragraph 9.</p>	<p><u><i>2. The certifying authority shall issue a draft certification decision in respect of storage system operators that operate underground gas storage facilities with a capacity of over 3,5 TWh where, regardless of the number of storage system operators, total storage facilities were filled on 31 March 2021 and on 31 March 2022 at a level which, on average, was less than 30 % of their maximum capacity by 1 February 2023 or within 150 working days of the date of receipt of a notification pursuant to paragraph 9.</i></u></p> <p>Text Origin: Council Mandate</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 13a(2), second subparagraph			
250e			In respect of storage system operators as referred to in the first subparagraph, the certifying authority shall make its best efforts to issue a draft certification decision by 1 November 2022.	<u>In respect of storage system operators as referred to in the first subparagraph, the certifying authority shall make its best efforts to issue a draft certification decision by 1 November 2022.</u> Text Origin: Council Mandate
	Article 13a(3)			
250f			In respect of all other storage system operators, the certifying authority shall issue a draft certification decision by 2 January 2024 or within 18 months of the date of receipt of a notification pursuant to paragraph 8 or 9.	<u>3. In respect of all other storage system operators, the certifying authority shall issue a draft certification decision by 2 January 2024 or within 18 months of the date of receipt of a notification pursuant to paragraph 8 or 9.</u> Text Origin: Council Mandate
	Article 13a(4)			
250g			3. In considering the risk to the security of energy supply in the Union, the certifying authority shall take into account any security of gas supply risk at national, regional or Union-wide level as well as any mitigation of	<u>3. In considering the risk to the security of energy supply in the Union, the certifying authority shall take into account any security of gas supply risk at national, regional or Union-wide level as well as any mitigation of</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			such risk, resulting, inter alia, from:	<u>such risk, resulting, inter alia, from:</u> Text Origin: Council Mandate
Article 13a(4), point (a)				
	250h		(a) ownership, supply or other commercial relationships that could negatively affect the incentives and the ability of the storage system operator to fill the underground gas storage facility;	<u>(a) ownership, supply or other commercial relationships that could negatively affect the incentives and the ability of the storage system operator to fill the underground gas storage facility;</u> Text Origin: Council Mandate
Article 13a(4), point (b)				
	250i		(b) the rights and obligations of the Union with respect to a third country arising under international law, including any agreement concluded with one or more third countries to which the Union is a party and which addresses the issue of the security of energy supply;	<u>(b) the rights and obligations of the Union with respect to a third country arising under international law, including any agreement concluded with one or more third countries to which the Union is a party and which addresses the issue of the security of energy supply;</u> Text Origin: Council Mandate
Article 13a(4), point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
250j			(c) the rights and obligations of the Member States concerned with respect to a third country arising under agreements concluded by the Member States concerned with one or more third countries, in so far as those agreements comply with Union law; or	<u>(c) the rights and obligations of the Member States concerned with respect to a third country arising under agreements concluded by the Member States concerned with one or more third countries, in so far as those agreements comply with Union law; or</u> Text Origin: Council Mandate
Article 13a(4), point (d)				
250k			(d) any other specific facts and circumstances of the case.	<u>(d) any other specific facts and circumstances of the case.</u> Text Origin: Council Mandate
Article 13a(5)				
250l			4. If the certifying authority concludes that a person who directly or indirectly controls, or exercises any right over, the storage system operator within the meaning of Article 9 of [recast Directive] could endanger the security of energy supply or the essential security interests of the Union or of any Member State, the certifying	<u>4. If the certifying authority concludes that a person who directly or indirectly controls, or exercises any right over, the storage system operator within the meaning of Article 9 of [recast Directive] could endanger the security of energy supply or the essential security interests of the Union or of any Member State, the certifying authority shall</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>authority shall refuse the certification. Alternatively, the certifying authority may issue a certification decision subject to conditions to ensure the sufficient mitigation of the risks which could negatively influence the filling of the underground gas storage facilities, provided that the practicability of the conditions can be fully ensured by effective implementation and monitoring. Such conditions may include, in particular, a requirement that the storage system owner or storage system operator transfer management of the storage system.</p>	<p><u>refuse the certification. Alternatively, the certifying authority may issue a certification decision subject to conditions to ensure the sufficient mitigation of the risks which could negatively influence the filling of the underground gas storage facilities, provided that the practicability of the conditions can be fully ensured by effective implementation and monitoring. Such conditions may include, in particular, a requirement that the storage system owner or storage system operator transfer management of the storage system.</u></p> <p><small>Text Origin: Council Mandate</small></p>
Article 13a(6)				
6 250m			<p>5. Where the certifying authority concludes that the gas supply risks cannot be mitigated by conditions pursuant to paragraph 4, including by requiring the storage system owner or storage system operator to transfer management of the storage system, and therefore refuses the</p>	<p><u>5. Where the certifying authority concludes that the gas supply risks cannot be mitigated by conditions pursuant to paragraph 4, including by requiring the storage system owner or storage system operator to transfer management of the storage system, and therefore refuses the certification, it shall:</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			certification, it shall:	Text Origin: Council Mandate
Article 13a(6), point (a)				
250n			(a) require the storage system owner or storage system operator or any person that it considers could endanger the security of energy supply or the essential security interests of the Union or of any Member State to dispose of the shareholding or rights they have over the storage system ownership or storage system operator ownership, and set a time limit for such disposal;	<u>(a) require the storage system owner or storage system operator or any person that it considers could endanger the security of energy supply or the essential security interests of the Union or of any Member State to dispose of the shareholding or rights they have over the storage system ownership or storage system operator ownership, and set a time limit for such disposal;</u> Text Origin: Council Mandate
Article 13a(6), point (b)				
250o			(b) order, where appropriate, interim measures, to ensure that such a person is not able to exercise any control or right over that storage system owner or storage system operator until the disposal of the shareholding or rights; and	<u>(b) order, where appropriate, interim measures, to ensure that such a person is not able to exercise any control or right over that storage system owner or storage system operator until the disposal of the shareholding or rights; and</u> Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 13a(6), point (c)			
G	250p		(c) provide for appropriate compensatory measures in accordance with national law.	<u>(c) provide for appropriate compensatory measures in accordance with national law.</u> Text Origin: Council Mandate
	Article 13a(7)			
G	250q		6. The certifying authority shall notify its draft certification decision to the Commission without delay, together with all relevant information.	<u>6. The certifying authority shall notify its draft certification decision to the Commission without delay, together with all relevant information.</u> Text Origin: Council Mandate
	Article 13a(8)			
G	250r		7. The certifying authority shall issue the certification decision within 25 working days of receipt of the Commission's opinion.	<u>7. The certifying authority shall issue the certification decision within 25 working days of receipt of the Commission's opinion.</u> Text Origin: Council Mandate
	Article 13a(9)			
G	250s			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>8. Before a newly built underground gas storage facility is put into operation, the storage system operator shall be certified in accordance with paragraphs 1 to 7. The storage system operator shall notify the certifying authority of its intention to put the storage facility into operation.</p>	<p><u>8. Before a newly built underground gas storage facility is put into operation, the storage system operator shall be certified in accordance with paragraphs 1 to 7. The storage system operator shall notify the certifying authority of its intention to put the storage facility into operation.</u></p> <p>Text Origin: Council Mandate</p>
Article 13a(10)				
250t			<p>9. Storage system operators shall notify the relevant certifying authority of any planned transaction which would require a reassessment of their compliance with the certification requirements set out in paragraphs 1 to 4.</p>	<p><u>9. Storage system operators shall notify the relevant certifying authority of any planned transaction which would require a reassessment of their compliance with the certification requirements set out in paragraphs 1 to 4.</u></p> <p>Text Origin: Council Mandate</p>
Article 13a(11)				
250u			<p>10. Certifying authorities shall continuously monitor storage system operators as regards compliance with the certification requirements set out in paragraphs 1 to 4. They shall</p>	<p><u>10. Certifying authorities shall continuously monitor storage system operators as regards compliance with the certification requirements set out in paragraphs 1 to 4. They shall</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			open a certification procedure to reassess compliance in any of the following circumstances:	<u>open a certification procedure to reassess compliance in any of the following circumstances:</u> Text Origin: Council Mandate
Article 13a(11), point (a)				
250v			(a) upon receipt of a notification by the storage system operator pursuant to paragraph 8 or 9;	<u>(a) upon receipt of a notification by the storage system operator pursuant to paragraph 8 or 9;</u> Text Origin: Council Mandate
Article 13a(11), point (b)				
250w			(b) on their own initiative where they have knowledge that a planned change in rights or in influence over a storage system operator could lead to non-compliance with the requirements of paragraphs 1, 2 and 3;	<u>(b) on their own initiative where they have knowledge that a planned change in rights or in influence over a storage system operator could lead to non-compliance with the requirements of paragraphs 1, 2 and 3;</u> Text Origin: Council Mandate
Article 13a(11), point (c)				
250x			(c) upon a reasoned request from the Commission.	<u>(c) upon a reasoned request from the Commission.</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Council Mandate
Article 13a(12), first subparagraph				
250y			<p>11. Member States shall take all necessary measures to ensure the continuous operation of the underground gas storage facilities on their respective territories. Those underground gas storage facilities may cease operations only where technical and safety requirements are not met or where the certifying authority concludes, after having conducted an assessment and having taken into account the opinion of the ENTSO for Gas, that such a cessation would not weaken the security of gas supply at Union or national level.</p>	<p><u>11. Member States shall take all necessary measures to ensure the continuous operation of the underground gas storage facilities on their respective territories. Those underground gas storage facilities may cease operations only where technical and safety requirements are not met or where the certifying authority concludes, after having conducted an assessment and having taken into account the opinion of the ENTSO for Gas, that such a cessation would not weaken the security of gas supply at Union or national level.</u></p> <p>ENTSOG - TBC pending discussion on relevant Art</p> <p>Text Origin: Council Mandate</p>
Article 13a(12), second subparagraph				
250z			<p>Appropriate compensatory measures shall be taken, where appropriate, if cessation of</p>	<p><u>Appropriate compensatory measures shall be taken, where appropriate, if cessation of</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			operations is not allowed.	<u>operations is not allowed.</u> Text Origin: Council Mandate
Article 13a(13)				
250aa			12. The Commission may issue guidance on the application of this Article.	<u>12. The Commission may issue guidance on the application of this Article.</u> Text Origin: Council Mandate
Article 13a(14)				
250ab			13. This Article shall not apply to parts of LNG facilities that are used for storage.	<u>13. This Article shall not apply to parts of LNG facilities that are used for storage.</u> Text Origin: Council Mandate
Article 19				
282	Article 19 Cross-border coordination on gas quality in the natural gas system	Article 19 Cross-border coordination on gas quality in the natural gas system	Article 19 Cross-border coordination on of gas quality in the natural gas system	Article 19 Cross-border coordination on of gas quality in the natural gas system Text Origin: Council Mandate
Article 19(-1)(1)				
283				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. Transmission system operators shall cooperate to avoid restrictions to cross-border flows due to gas quality differences on interconnection points between Union Member States.	1. Transmission system operators shall cooperate to avoid restrictions to cross-border flows due to gas quality differences on interconnection points between Union Member States. <u>When cooperating, transmission system operators shall take into account the characteristics of installations of final gas customers.</u>	1. Transmission system operators shall cooperate to avoid restrictions to cross-border flows due to gas quality differences on at interconnection points between Union Member States.	1. Transmission system operators shall cooperate to avoid restrictions to cross-border flows due to gas quality differences on at interconnection points between Union Member States. <u>When cooperating, transmission system operators shall take into account the characteristics of installations of final gas customers.</u> Text Origin: EP Mandate
Article 19(-1a)				
283b			1a. Member States shall ensure that diverging technical specifications, including gas quality parameters such as oxygen content, and hydrogen blending in the natural gas system are not used to restrict cross-border gas flows. In addition, Member States shall ensure that hydrogen blends in the natural gas system are within the technical specifications acceptable to customers.	<u>1a. Member States shall ensure that diverging technical specifications, including gas quality parameters, such as oxygen content and hydrogen blending in the natural gas system, are not used to restrict cross-border gas flows. In addition, Member States shall ensure that hydrogen blends in the natural gas system are within the technical specifications acceptable to customers.</u> Text Origin: Council Mandate
Article 19(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
284	2. Where a restriction to cross-border flow due to gas quality differences cannot be avoided by the concerned transmission system operators in their standard operations, they shall inform the concerned regulatory authorities without delay. The information shall include a description and justified reasoning for any steps already taken by the transmission system operators.	2. Where a restriction to cross-border flow due to gas quality differences cannot be avoided by the concerned transmission system operators in their standard operations, they shall inform the concerned regulatory authorities without delay. The information shall include a description and justified reasoning for any steps already taken by the transmission system operators.	2. Where a restriction to cross-border flow flows due to gas quality differences cannot be avoided by the concerned transmission system operators in their standard operations, they shall inform the concerned regulatory authorities without delay. The information shall include a description and justified reasoning for any steps already taken by the transmission system operators.	2. Where a restriction to cross-border flow flows due to gas quality differences cannot be avoided by the concerned transmission system operators in their standard operations, they shall inform the concerned regulatory authorities without delay. The information shall include a description and justified reasoning for any steps already taken by the transmission system operators. Text Origin: Council Mandate
Article 19(3a)				
285a			3a. For restrictions to cross-border flows caused by differences in hydrogen blending in the natural gas system and recognized pursuant to paragraph 3 of this Article, transmission system operators shall be able to not accept gas flows with hydrogen content at interconnection points before the completion of the procedure described in paragraphs 4 to 10 of this Article.	<u>3a. For restrictions to cross-border flows caused by differences in hydrogen blending in the natural gas system and recognised pursuant to paragraph 3 of this Article, transmission system operators shall accept gas flows with a hydrogen content at interconnection points between Member States in the natural gas system subject to paragraphs 4 to 10 of this Article, and after completion of the procedure set out therein.</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 19(4)				
286	4. Where the concerned regulatory authorities recognise the restriction, they shall request the concerned transmission system operators to perform, within 12 months from the recognition, the following actions in sequence:	4. Where the concerned regulatory authorities <u>concerned</u> recognise the restriction, they shall request the concerned transmission system operators to perform, within 12 months from the recognition, the following actions in sequence:	4. Where the concerned regulatory authorities recognise the restriction, they shall request the concerned transmission system operators to perform, within 12 months from the recognition, the following actions in sequence:	4. Where the concerned regulatory authorities <u>concerned</u> recognise the restriction, they shall request the concerned transmission system operators to perform, within 12 months from the recognition, the following actions in sequence: Text Origin: EP Mandate
Article 19(4), point (a)				
287	(a) cooperate and develop technically feasible options, without changing the gas quality specifications, which may include flow commitments and gas treatment, in order to remove the recognised restriction;	(a) cooperate and develop technically feasible options, without changing the gas quality specifications, which may include flow commitments and gas treatment, in order to remove the recognised restriction <u>taking into account information provided by end customers directly connected to the transmission system operator grid, distribution system operator or any other stakeholder that could be affected by that procedure</u> ;	(a) cooperate and develop technically feasible options, without changing the gas quality specifications, which may include flow commitments and gas treatment, in order to remove the recognised restriction;	(a) cooperate and develop technically feasible options, without changing the gas quality specifications, which may include flow commitments and gas treatment, in order to remove the recognised restriction <u>taking into account information provided by end customers directly connected to the natural gas system of the concerned transmission system operator or any other stakeholder that could be affected by that procedure</u> ; Text Origin: EP Mandate
Article 19(4), point (d)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
290	(d) conduct a public consultation on identified feasible solutions and take into consideration the results of the consultation;	(d) conduct a public consultation, <u>in particular of affected end customers connected to the transmission network</u> , on identified feasible solutions and take into consideration the results of the consultation;	(d) conduct a public consultation on identified feasible solutions and take into consideration the results of the consultation;	(d) conduct a public consultation, <u>in particular of affected end customers connected to the natural gas system</u> , on identified feasible solutions and take into consideration the results of the consultation; Text Origin: EP Mandate
Article 19(6)				
293	6. The concerned regulatory authorities shall take a joint coordinated decision for removing the recognised restriction or for stating that no further action should be pursued, taking into account the cost benefit analysis prepared by the concerned transmission system operators and the results of the public consultation within six months as set out in Article 6(10) of Regulation (EU) 2019/942.	6. The concerned regulatory authorities <u>concerned</u> shall take a joint coordinated decision for removing the recognised restriction or for stating that no further action should be pursued <u>to remove or maintain the recognised restriction</u> , taking into account the cost benefit analysis prepared by the concerned transmission system operators and the results of the public consultation within six months as set out in Article 6(10) of Regulation (EU) 2019/942. <u>Any decision to maintain the recognised restriction shall be reviewed every four years.</u>	6. The concerned regulatory authorities shall take a joint coordinated decision for removing the recognised restriction or for stating that no further action should be pursued , taking into account the cost benefit analysis prepared by the concerned transmission system operators and the results of the public consultation within six months as set out in Article 6(10) of Regulation (EU) 2019/942.	6. The concerned regulatory authorities <u>concerned</u> shall take a joint coordinated decision for removing the recognised restriction or for stating that no further action should be pursued , taking into account the cost benefit analysis prepared by the concerned transmission system operators and the results of the public consultation within six months as set out in Article 6(10) of Regulation (EU) 2019/942. Text Origin: Council Mandate
Article 19(6a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
293a			<p>6a. By way of derogation from paragraph 6, for restrictions to cross-border flows caused by differences in hydrogen blending in the natural gas system, the concerned regulatory authorities may jointly state that no further action should be pursued to remove such restrictions. The joint coordinated decision shall be taken within six months as set out in Article 6(10) of Regulation (EU) 2019/942 and shall take into account the cost benefit analysis and the results of the public consultation prepared pursuant paragraph 4 by the concerned transmission system operators.</p>	<p><u>6a. By way of derogation from paragraph 6, for restrictions to cross-border flows caused by differences in hydrogen blending in the natural gas system, the concerned regulatory authorities may jointly state that no further action should be pursued to remove such restrictions. The joint coordinated decision shall be taken within six months as set out in Article 6(10) of Regulation (EU) 2019/942 and shall take into account the cost benefit analysis and the results of the public consultation prepared pursuant to paragraph 4 by the concerned transmission system operators. A decision to maintain the recognised restriction pursuant to this paragraph shall be reviewed every four years by the concerned regulatory authorities.</u></p> <p>Text Origin: Council Mandate</p>
Article 19(7)				
294	7. The joint coordinated decision of the concerned regulatory authorities shall include a decision on the allocation of the investment	7. The joint coordinated decision of the concerned regulatory authorities shall include a decision on the allocation of the investment	7. The joint coordinated decision of the concerned regulatory authorities referred to in paragraph 6 shall include a	7. The joint coordinated decision of the concerned regulatory authorities <u>referred to in paragraph 6</u> shall include a

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	costs to be borne by each transmission system operator for implementing the agreed solution, as well as their inclusion in tariffs, taking into account the economic, social and environmental costs and benefits of the solution in the concerned Member States.	costs to be borne by each transmission system operator for implementing the agreed solution, as well as their inclusion in tariffs, taking into account the economic, social and environmental costs and benefits of the solution in the concerned Member States.	decision on the allocation of the investment costs to be borne by each transmission system operator for implementing the agreed solution, as well as their inclusion in tariffs the allowed or target revenue of transmission system operators , taking into account the economic, social and environmental costs and benefits of the solution in the concerned Member States and its consequences for tariffs .	decision on the allocation of the investment costs to be borne by each transmission system operator for implementing the agreed solution, as well as their inclusion in tariffs <u>the allowed or target revenue of transmission system operators</u> , taking into account the economic, social and environmental costs and benefits of the solution in the concerned Member States <u>and its consequences for tariffs</u> . Text Origin: Council Mandate
Article 19(10)				
297	10. Where the relevant regulatory authorities cannot take a joint coordinated decisions as referred to in paragraphs 6 and 7, ACER shall decide on the solution to remove the recognised restriction and on the allocation of the investment costs to be borne by each transmission system operator for implementing the agreed solution, following the process set out in Article 6(10) of Regulation (EU) 2019/942.	10. Where the relevant regulatory authorities <u>concerned</u> cannot take a joint coordinated decisions as referred to in paragraphs 6 and 7, ACER shall decide on the solution to remove <u>or maintain</u> the recognised restriction and on the allocation of the investment costs to be borne by each transmission system operator for implementing the agreed solution, following the process set out in Article 6(10) of Regulation (EU) 2019/942. <u>Any decision to maintain the recognised restriction shall be</u>	10. Where the relevant regulatory authorities cannot take a joint coordinated decisions decision as referred to in paragraphs 6, 6a and 7, ACER shall decide on the solution to remove the recognised restriction and on the allocation of the investment costs to be borne by each transmission system operator for implementing the agreed solution or for stating that no further action should be pursued pursuant to paragraph 6a of this Article , following the process set out in Article 6(10) of Regulation	10. Where the relevant regulatory authorities <u>concerned</u> cannot take a joint coordinated decisions <u>decision</u> as referred to in paragraphs 6 and 7, ACER shall decide on the solution to remove the recognised restriction and on the allocation of the investment costs to be borne by each transmission system operator for implementing the agreed solution <u>or stating that no further action should be pursued pursuant to paragraph 6a of this Article</u> following the process set out in Article 6(10) of Regulation

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		<u>reviewed every four years.</u>	(EU) 2019/942.	(EU) 2019/942. <u>A decision to maintain the recognised restriction pursuant to this paragraph shall be reviewed every four years by ACER.</u>
Article 19(11)				
298	11. Further details required to implement elements of this Article, including details on the cost benefit analysis, shall be set in a network code established on the basis of Article 53 of this Regulation.	11. Further details required to implement elements of this Article, including details on the cost benefit analysis <u>and on a common binding natural gas quality specification for cross-border natural gas interconnectors</u> , shall be set in a network code established on the basis of Article 53 of this Regulation .	11. Further details required to implement elements of this Article, including details on the cost benefit analysis, shall be set in a network code established on the basis of Article 53(1) of this Regulation.	11. Further details required to implement elements of this Article, including details on the cost benefit analysis, shall be set in a network code established on the basis of Article 53 of this Regulation <u>53(1)</u> . Text Origin: Council Mandate
Article 30(5)				
376	5. The transmission system operator shall always disclose the information required by this Regulation in a quantifiably clear and easily accessible manner and on a non-discriminatory basis.	5. The transmission system operator shall always disclose the information required by this Regulation in a <u>meaningful</u> , quantifiably clear and easily accessible manner way and on a non-discriminatory basis.	5. The transmission system operator shall always disclose the information required by this Regulation in a quantifiably clear and easily accessible manner and on a non-discriminatory basis.	5. The transmission system operator shall always disclose the information required by this Regulation in a <u>meaningful</u> , quantifiably clear and easily accessible manner way and on a non-discriminatory basis. Provisionally agreed - technical meeting 01.09.2023

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: EP Mandate
Article 30(7)				
380	7. The transmission system operators shall make public detailed information regarding the quality of the gases transported in its network, which might affect network users, based on Articles 16 and 17 of Commission Regulation (EU) 2015/703.	7. The transmission system operators shall make public detailed information regarding the quality of the gases gas transported in its network, which might affect network users, based on Articles 16 and 17 of Commission Regulation (EU) 2015/703.	7. The transmission system operators shall make public detailed information regarding the quality of the gases transported in its network their networks, which might affect network users, based on Articles 16 and 17 of Commission Regulation (EU) 2015/703.	7. The transmission system operators shall make public detailed information regarding the quality of the gases transported in its network their networks, which might affect network users, based on Articles 16 and 17 of Commission Regulation (EU) 2015/703. Provisionally agreed - technical meeting 01.09.2023 (pending general agreement on 'gas vs gases') Text Origin: Council Mandate
Article 31(1)				
382	1. LNG and hydrogen storage facilities as well as (natural gas) storage system operators and hydrogen terminal operators shall make public detailed information regarding all services they offer and the relevant conditions applied, together with the technical information necessary for LNG and	1. LNG and hydrogen storage facilities as well as (natural gas) storage system operators and hydrogen terminal operators shall make public detailed information regarding all services they offer and the relevant conditions applied, together with the technical information necessary for LNG and	1. LNG and hydrogen storage facilities as well as (natural gas) storage system operators and hydrogen terminal operators shall make public detailed information regarding all services they offer and the relevant conditions applied, together with the technical information necessary for LNG and	1. LNG and hydrogen storage facilities as well as (system operators, natural gas) storage system operators, hydrogen terminal-system operators and hydrogen terminal storage operators- shall make public detailed information regarding all services they offer and the relevant

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	hydrogen storage facility and hydrogen terminal users to gain effective access to the LNG and hydrogen storage facilities and hydrogen terminals. Regulatory authorities may request those operators to make public any additional relevant information for system users.	hydrogen storage facility and hydrogen terminal users to gain effective access to the LNG and hydrogen storage facilities and hydrogen terminals. Regulatory authorities may request those operators to make public any additional relevant information for system users.	natural gas and hydrogen storage facility and hydrogen terminal users to gain effective access to the LNG and hydrogen and natural gas storage facilities and hydrogen terminals. Regulatory authorities may request those operators to make public any additional relevant information for system users.	conditions applied, together with the technical information necessary for LNG <u>facility, natural gas</u> and hydrogen storage facility and hydrogen terminal users to gain effective access to the LNG and hydrogen <u>and natural gas</u> storage facilities and hydrogen terminals. Regulatory authorities may request those operators to make public any additional relevant information for system users. Provisionally agreed at 18/9 ITM
Article 31(3)				
384	3. For the services provided, LNG and hydrogen storage facilities, as well as natural gas storage system operators shall make public information on contracted and available storage and LNG and hydrogen storage facility as well as hydrogen terminal capacities on a numerical basis on a regular and rolling basis and in a user-friendly standardised manner.	3. For the services provided, LNG and hydrogen storage facilities, as well as natural gas storage system operators shall make public information on contracted and available storage and LNG and hydrogen storage facility as well as hydrogen terminal capacities on a numerical basis on a regular and rolling basis and in a user-friendly standardised manner.	3. For the services provided, LNG and hydrogen storage and hydrogen terminal facilities, as well as natural gas storage system operators shall make public information on contracted and available storage and LNG and hydrogen storage facility as well as hydrogen terminal capacities on a numerical basis on a regular and rolling basis and in a user-friendly standardised manner.	3. For the services provided, LNG and hydrogen <u>system operators, natural gas</u> storage facilities, as well as natural gas <u>system operators, hydrogen terminal operators and hydrogen</u> storage system operators shall make public information on contracted and available <u>natural gas</u> storage and LNG and <u>facility, LNG facility,</u> hydrogen storage facility as well as <u>and</u> hydrogen terminal capacities on a numerical basis on a regular and rolling basis and in a user-friendly standardised manner.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Provisionally agreed at 18/9 ITM
Article 31(4)				
385	4. LNG and hydrogen storage facilities, as well as natural gas storage system operators shall always disclose the information required by this Regulation in a meaningful, quantifiably clear and easily accessible way and on a non-discriminatory basis.	4. LNG and hydrogen storage facilities, as well as natural gas storage system operators shall always disclose the information required by this Regulation in a meaningful, quantifiably clear and easily accessible way and on a non-discriminatory basis.	4. LNG and hydrogen terminals and hydrogen storage facilities, as well as natural gas storage system operators shall always disclose the information required by this Regulation in a meaningful, quantifiably clear and easily accessible way and on a non-discriminatory basis.	4. LNG and hydrogen <u>system operators, natural gas storage facilities, as well as natural gas</u> system operators, hydrogen terminal operators and hydrogen storage system operators shall always disclose the information required by this Regulation in a meaningful, quantifiably clear and easily accessible way and on a non-discriminatory basis. Provisionally agreed at 18/9 ITM
Article 31(5), first subparagraph				
386	5. . LNG and storage system operators and operators of hydrogen storage facilities and hydrogen terminals shall make public the amount of gas in each storage or LNG facility and hydrogen terminal, or group of storage facilities if that corresponds to the way in which the access is offered to system users, inflows and outflows, and the available natural gas and hydrogen storage,	5. . LNG and storage system operators and operators of hydrogen storage facilities and hydrogen terminals shall make public the amount of gas in each storage or LNG facility and hydrogen terminal, or group of storage facilities if that corresponds to the way in which the access is offered to system users, inflows and outflows, and the available natural gas and hydrogen storage,	5. -LNG and storage system operators and operators of hydrogen storage facilities and hydrogen terminals shall make public the amount of gas in each storage or LNG facility and hydrogen terminal, or group of storage facilities if that corresponds to the way in which the access is offered to system users, inflows and outflows, and the available natural gas and hydrogen storage,	5. -LNG and <u>LNG system operators, natural gas storage system operators, hydrogen terminal</u> and operators of and hydrogen storage facilities and hydrogen terminals <u>operators</u> shall make public the amount of gas <u>or hydrogen</u> in each storage or facility, hydrogen storage facility, LNG facility and hydrogen terminal, or group of storage facilities if that corresponds to the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	and LNG facility and hydrogen terminal capacities, including for those facilities exempted from third-party access. That information shall also be communicated to the transmission system operator or to the hydrogen network operator for hydrogen storage and terminals, which shall make it public on an aggregated level per system or subsystem defined by the relevant points. The information shall be updated at least daily.	and LNG facility and hydrogen terminal capacities, including for those facilities exempted from third-party access. That information shall also be communicated to the transmission system operator or to the hydrogen network operator for hydrogen storage and terminals, which shall make it public on an aggregated level per system or subsystem defined by the relevant points. The information shall be updated at least daily.	and LNG facility and hydrogen terminal capacities, including for those facilities exempted from third-party access. That information shall also be communicated to the transmission system operator or to the hydrogen network operator for hydrogen storage and terminals, which shall make it public on an aggregated level per system or subsystem defined by the relevant points. The information shall be updated at least daily.	<p>way in which the access is offered to system users, inflows and outflows, and the available natural gas and<u>storage facility</u>, hydrogen storage, and LNG facility and hydrogen terminal capacities, including for those facilities exempted from third-party access. That information shall also be communicated to the transmission system operator or to the hydrogen network operator for hydrogen storage and terminals, which shall make it public on an aggregated level per system or subsystem defined by the relevant points. The information shall be updated at least daily.</p> <p>Provisionally agreed at 18/9 ITM</p> <p>Text Origin: Commission Proposal</p>
Article 31(6), first subparagraph				
389	6. In order to ensure transparent, objective and non-discriminatory tariffs and facilitate efficient utilisation of the infrastructures, the LNG and natural gas or hydrogen storage facility operators or relevant regulatory authorities	6. In order to ensure transparent, objective and non-discriminatory tariffs and facilitate efficient utilisation of the infrastructures, the LNG and natural gas or hydrogen storage facility operators or relevant regulatory authorities	6. In order to ensure transparent, objective and non-discriminatory tariffs and facilitate efficient utilisation of the infrastructures, the LNG and natural gas or hydrogen storage facility operators or relevant regulatory authorities	6. In order to ensure transparent, objective and non-discriminatory tariffs and facilitate efficient utilisation of the infrastructures, the LNG and <u>system operators</u> , natural gas or <u>storage system operators</u> , <u>hydrogen terminal operators and</u>

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	shall make public sufficiently detailed information on tariff derivation, the methodologies and the structure of tariffs for infrastructure under regulated third-party access; LNG facilities that have been granted an exemption, pursuant to Article 22 of Directive 2003/55/EC and Article 36 of Directive 2009/73/EC as well as Article 60 of this Regulation, and natural gas storage operators under the negotiated third party access regime shall make public tariffs for infrastructure in order to ensure a sufficient degree of transparency.	shall make public sufficiently detailed information on tariff derivation, the methodologies and the structure of tariffs for infrastructure under regulated third-party access; LNG facilities that have been granted an exemption, pursuant to Article 22 of Directive 2003/55/EC and Article 36 of Directive 2009/73/EC as well as Article 60 of this Regulation, and natural gas storage operators under the negotiated third party access regime shall make public tariffs for infrastructure in order to ensure a sufficient degree of transparency.	shall make public sufficiently detailed information on tariff derivation, the methodologies and the structure of tariffs for infrastructure under regulated third-party access; LNG facilities that have been granted an exemption, pursuant to Article 22 of Directive 2003/55/EC and Article 36 of Directive 2009/73/EC as well as Article 60 of this Regulation, and natural gas storage operators under the negotiated third party access regime shall make public tariffs for infrastructure in order to ensure a sufficient degree of transparency.	hydrogen storage facility operators or relevant regulatory authorities shall make public sufficiently detailed information on tariff derivation, the methodologies and the structure of tariffs for infrastructure under regulated third-party access; LNG facilities that have been granted an exemption, pursuant to Article 22 of Directive 2003/55/EC and Article 36 of Directive 2009/73/EC as well as Article 60 of this Regulation, and natural gas storage operators under the negotiated third party access regime shall make public tariffs for infrastructure in order to ensure a sufficient degree of transparency. Provisionally agreed at 18/9 ITM Text Origin: Commission Proposal
Article 31(6), second subparagraph				
390	LNG and storage system operators shall establish respectively one single European platform within 18 months from [date of entry into force of the Regulation] to publish in a transparent and user-friendly	LNG and storage system operators shall establish respectively one single European platform within 18 months from [date of entry into force of the Regulation] to publish in a transparent and user-friendly	LNG and storage system operators shall establish respectively one single European platform within 18 months from [date of entry into force of the Regulation] to publish in a transparent and user-friendly	LNG <u>system operators and natural gas</u> and storage system operators shall establish <u>publish</u> respectively one single European platform within 18 months from [date of entry into force of the Regulation]

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	manner the information required in this Article.	manner the information required in this Article.	manner the information required in this Article publish in a transparent and user-friendly manner the information required in this Article on an European platform. The Commission may issue non-binding guidance facilitating the establishment of the platforms.	<i>to publish in a transparent and user-friendly manner the information required in this Article</i> <u>in a transparent, continuous and user-friendly manner the information required in this Article on a single European platform that shall be maintained by those operators.</u> Provisionally closed at 18/9 ITM
Article 66				
720	Article 66 Amendment to Regulation (EU) No 1227/2011	Article 66 Amendment to Regulation (EU) No 1227/2011	Article 66 Amendment to Regulation (EU) No 1227/2011	Article 66 Amendment to Regulation (EU) No 1227/2011 Lines 722a-723am to be deleted, as will be discussed in REMIT Text Origin: Commission Proposal