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From:	General Secretariat of the Council
To:	Permanent Representatives Committee
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Subject:	Proposal for a Directive of the European Parliament and of the Council on common rules for the internal markets in renewable and natural gases and in hydrogen (recast) - Preparation for the trilogue

In view of Coreper on 24 November, delegations will find in the Annex the suggested 'provisionally agreed' compromises discussed at technical level.

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on common rules for the internal markets in renewable and natural gases and in hydrogen (recast)
2021/0425(COD)

Green Lines

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Formula				
1	2021/0425 (COD)	2021/0425 (COD)	2021/0425 (COD)	2021/0425 (COD) Text Origin: Commission Proposal
Proposal Title				
2	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on common rules for the internal markets in renewable and natural gases and in hydrogen (recast)	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on common rules for the internal markets in renewable and natural gases and in hydrogen (recast)	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on common rules for the internal markets in renewable and natural gases and in hydrogen (recast) (Text with EEA relevance)	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on common rules for the internal markets in renewable and natural gases and in hydrogen (recast) <u>(Text with EEA relevance)</u> technical change from the Council Text Origin: Council Mandate
Formula				

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3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, Text Origin: Commission Proposal
Citation 1				
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 194(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 194(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 194(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 194(2) thereof, Text Origin: Commission Proposal
Citation 2				
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission, Text Origin: Commission Proposal
Citation 3				
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments, Text Origin: Commission

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				Proposal
Citation 4				
7	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ [...], [...], p. [...].	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ [...], [...], p. [...].	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ [...], [...], p. [...].	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ [...], [...], p. [...]. Text Origin: Commission Proposal
Citation 5				
8	Having regard to the opinion of the Committee of the Regions ¹ , 1. OJ [...], [...], p. [...].	Having regard to the opinion of the Committee of the Regions ¹ , 1. OJ [...], [...], p. [...].	Having regard to the opinion of the Committee of the Regions ¹ , 1. OJ [...], [...], p. [...].	Having regard to the opinion of the Committee of the Regions ¹ , 1. OJ [...], [...], p. [...]. Text Origin: Commission Proposal
Citation 6				
9	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure, Text Origin: Commission Proposal
Formula				

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10	Whereas:	Whereas:	Whereas:	Whereas: Text Origin: Commission Proposal
Recital 1				
11	(1) Directive 2009/73/EC of the European Parliament and of the Council¹ has been substantially amended several times². Since further amendments are to be made, that Directive should be recast in the interests of clarity. 1. Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC (OJ L 211, 14.8.2009, p. 94). 2. See Annex III, Part A.	(1) Directive 2009/73/EC of the European Parliament and of the Council¹ has been substantially amended several times². Since further amendments are to be made, that Directive should be recast in the interests of clarity. 1. Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC (OJ L 211, 14.8.2009, p. 94). 2. See Annex III, Part A.	(1) Directive 2009/73/EC of the European Parliament and of the Council¹ has been substantially amended several times². Since further amendments are to be made, that Directive should be recast in the interests of clarity. 1. Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC (OJ L 211, 14.8.2009, p. 94). 2. See Annex III, Part A.	(1) Directive 2009/73/EC of the European Parliament and of the Council¹ has been substantially amended several times². Since further amendments are to be made, that Directive should be recast in the interests of clarity. 1. Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC (OJ L 211, 14.8.2009, p. 94). 2. See Annex III, Part A. Text Origin: Commission Proposal
Recital 2				
12	(2) The internal market in natural gas, which has been progressively implemented throughout the Union since 1999, aims to deliver real choice for all consumers of the	(2) The internal market in natural gas, which has been progressively implemented throughout the Union since 1999, aims to deliver real choice for all consumers of the	(2) The internal market in natural gas, which has been progressively implemented throughout the Union since 1999, aims to deliver real choice for all consumers of the	(2) The internal market in natural gas, which has been progressively implemented throughout the Union since 1999, aims to deliver real choice for all consumers of the

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	European Union, be they citizens or businesses, new business opportunities and more cross-border trade, so as to achieve efficiency gains, competitive prices, and higher standards of service, and to contribute to security of supply and sustainability.	European Union, be they citizens or businesses, new business opportunities and more cross-border trade, so as to achieve efficiency gains, competitive prices, and higher standards of service, and to contribute to security of supply and sustainability.	European Union, be they citizens or businesses, new business opportunities and more cross-border trade, so as to achieve efficiency gains, competitive prices, and higher standards of service, and to contribute to security of supply and sustainability.	European Union, be they citizens or businesses, new business opportunities and more cross-border trade, so as to achieve efficiency gains, competitive prices, and higher standards of service, and to contribute to security of supply and sustainability. Text Origin: Commission Proposal
Recital 3				
13	(3) Directive 2003/55/EC of the European Parliament and of the Council and Directive 2009/73/EC of the European Parliament and of the Council have made a significant contribution towards the creation of such an internal market in natural gas.	(3) Directive 2003/55/EC of the European Parliament and of the Council and Directive 2009/73/EC of the European Parliament and of the Council have made a significant contribution towards the creation of such an internal market in natural gas.	(3) Directive 2003/55/EC of the European Parliament and of the Council and Directive 2009/73/EC of the European Parliament and of the Council have made a significant contribution towards the creation of such an internal market in natural gas.	(3) Directive 2003/55/EC of the European Parliament and of the Council and Directive 2009/73/EC of the European Parliament and of the Council have made a significant contribution towards the creation of such an internal market in natural gas. Text Origin: Commission Proposal
Recital 9				
19	(9) In line with the EU Hydrogen Strategy, the priority for the EU is to develop renewable hydrogen produced using mainly wind and	(9) In line with the EU Hydrogen Strategy, the priority for the Union is to develop renewable hydrogen produced using mainly wind and	(9) In line with the EU Hydrogen Strategy, the priority for the EU is to develop renewable hydrogen produced using mainly wind and	(9) In line with the EU Hydrogen Strategy, the priority for the ~~EU~~ Union is to develop renewable hydrogen produced using mainly

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	solar energy. Renewable hydrogen is the most compatible option with the EU's climate neutrality and zero pollution goal in the long term and the most coherent with an integrated energy system. However, low-carbon fuels (LCFs) such as low-carbon hydrogen (LCH) may play a role in the energy transition, particularly in the short and medium term to rapidly reduce emissions of existing fuels, and support the uptake of renewable fuels such as renewable hydrogen. In order to support the transition, it is necessary to establish a threshold for greenhouse gas emission reductions for low-carbon hydrogen and synthetic gaseous fuels. Such threshold should become more stringent for hydrogen produced in installations starting operations from 1 January 2031 to take into account technological developments and better stimulate the dynamic progress towards the reduction of greenhouse gas emissions from hydrogen production. The EU Energy System Integration strategy highlighted the need to deploy an EU-wide certification system to	solar energy. Renewable hydrogen <i>produced using biomass energy falls under the definition of biogas, as defined in Article 2, point (28), of Directive (EU) 2018/2001. Renewable hydrogen</i> is the <i>only option</i> compatible with the <i>Union's</i> climate neutrality and zero pollution goal in the long term and the most coherent with an integrated energy system. However, <i>renewable hydrogen production is not likely to scale fast enough to meet the expected growth in demand for hydrogen in the Union. Therefore,</i> low-carbon fuels (LCFs), such as low-carbon hydrogen (LCH), may play a role in the energy transition <i>in line with the Union climate targets,</i> particularly in the short and medium term to rapidly reduce emissions of existing fuels, and support the <i>transition of the Union's industry in hard-to-decarbonise sectors in which more energy or cost-efficient options are not available, including in heavy-duty transport.</i> In order to support the transition, it is necessary to <i>adopt a technology-neutral approach and to</i> establish a threshold for greenhouse gas	solar energy. Renewable hydrogen is the most compatible option with the EU's climate neutrality and zero pollution goal in the long term and the most coherent with an integrated energy system. However, low-carbon fuels (LCFs) such as low-carbon hydrogen (LCH) may play a role in the energy transition, particularly in the short and medium term to rapidly reduce emissions of existing fuels, and support the uptake of renewable fuels such as renewable hydrogen. In order to support the transition, it is necessary to establish a threshold for greenhouse gas emission reductions for low-carbon hydrogen and synthetic gaseous fuels. Such threshold should become more stringent for hydrogen produced in installations starting operations from 1 January 2031 to take into account technological developments and better stimulate the dynamic progress towards the reduction of greenhouse gas emissions from hydrogen production. The EU Energy System Integration strategy highlighted the need to deploy an EU-wide certification system to	wind and solar energy. Renewable hydrogen <u><i>produced using biomass energy falls under the definition of biogas, as defined in Article 2, point (28), of Directive (EU) 2018/2001. Renewable hydrogen</i></u> is the most compatible ~~<i>option</i>~~ with the ~~<i>EU</i>~~<u><i>Union</i></u>'s climate neutrality and zero pollution goal in the long term and the most coherent with an integrated energy system. However, <u><i>renewable hydrogen production is not likely to scale fast enough to meet the expected growth in demand for hydrogen in the Union. Therefore,</i></u> low-carbon fuels (LCFs), such as low-carbon hydrogen (LCH), may play a role in the energy transition <u><i>in line with the Union climate targets,</i></u> particularly in the short and medium term to rapidly reduce emissions of existing fuels, and support the ~~<i>uptake of renewable fuels such as renewable hydrogen</i>~~<u><i>transition of the Union's customers in hard-to-decarbonise sectors in which more energy or cost-efficient options are not available.</i></u> In order to support the transition, it is necessary to establish a threshold for greenhouse gas emission

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	also cover low-carbon fuels with the aim to enable Member States to compare them with other decarbonisation options and consider them in their energy mix as a viable solution. In order to ensure that LCF have the same decarbonisation impact as compared to other renewable alternatives it is important that they are certified by applying a similar methodological approach based on a life cycle assessment of their total greenhouse gas ('GHG') emissions. This would allow deploying a comprehensive EU-wide certification system, covering the whole Union energy mix. Taking into consideration that LCF and LCH are not renewable fuels, their terminology and certification could not be included in the proposal for the revision of Directive (EU) 2018/2001 of the European Parliament and of the Council¹. Therefore, their inclusion in this Directive fills in this gap. ¹. Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ L 328, 21.12.2018, p. 82).	emission reductions for low-carbon hydrogen and synthetic gaseous fuels. Such threshold should become more stringent for hydrogen produced in installations starting operations from 1 January 2031 to take into account technological developments and better stimulate the dynamic progress towards the reduction of greenhouse gas emissions from hydrogen production. The EU Energy System Integration strategy highlighted the need to deploy an EU-wide certification system to also cover low-carbon fuels with the aim <i>of enabling</i> Member States to compare them with other decarbonisation options and consider them in their energy mix as a viable solution. In order to ensure that LCF have the same decarbonisation impact as compared to other renewable alternatives it is important that they are certified by applying a similar methodological approach based on a life cycle assessment of their total greenhouse gas ('GHG') emissions, <i>which should take into account at least upstream emissions from extraction of the fossil fuel, feedstock production</i>	also cover low-carbon fuels with the aim to enable Member States to compare them with other decarbonisation options and consider them in their energy mix as a viable solution. In order to ensure that LCF have the same decarbonisation impact as compared to other renewable alternatives it is important that they are certified by applying a similar methodological approach based on a life cycle assessment of their total greenhouse gas ('GHG') emissions. This would allow deploying a comprehensive EU-wide certification system, covering the whole Union energy mix. Taking into consideration that LCF and LCH are not renewable fuels, their terminology and certification could not be included in the proposal for the revision of Directive (EU) 2018/2001 of the European Parliament and of the Council¹. Therefore, their inclusion in this Directive fills in this gap. ¹. Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ L 328, 21.12.2018, p. 82).	reductions for low-carbon hydrogen and synthetic gaseous fuels. Such threshold should become more stringent for hydrogen produced in installations starting operations from 1 January 2031 to take into account technological developments and better stimulate the dynamic progress towards the reduction of greenhouse gas emissions from hydrogen production. The EU Energy System Integration strategy highlighted the need to deploy an EU-wide certification system to also cover low-carbon fuels with the aim ~~to enable~~<i>of enabling</i> Member States to compare them with other decarbonisation options and consider them in their energy mix as a viable solution. In order to ensure that LCF have the same decarbonisation impact as compared to ~~other~~ renewable alternatives it is important that they are certified by applying a similar methodological approach based on a life cycle assessment of their total greenhouse gas ('GHG') emissions. <u><i>Such life cycle assessment should take into account emissions arising from the production of LCF over the</i></u>

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		<i>and transportation, emissions from LCF production and processing, and emissions from transportation and distribution of LCF as well end-use emissions, considering methane leakages all along the value chain. Until the delegated act defining the methodology is adopted, the requirements of Commission Delegated Regulation (EU) 2021/2139¹¹ for hydrogen production should be guiding the definition of LCF for funding purposes.</i> This would allow deploying a comprehensive Union-wide certification system, covering the whole Union energy mix. Taking into consideration that LCF and LCH are not renewable fuels, their terminology and certification could not be included in the proposal for the revision of Directive (EU) 2018/2001 ■ . Therefore, their inclusion in this Directive fills in this gap. <i>When using the Union Database as single mass balance system for the certification of renewable and low LCF, there should be no physical tracking of the molecules inside the single mass balance system.</i> ¹¹ Commission Delegated Regulation		<u>whole supply chain including emissions arising from the extraction of the primary energy, processing and transportation and take into account indirect emissions resulting from the diversion of rigid inputs and actual carbon capture rates. Upstream emissions of methane should be derived building on the measures included in the Methane Regulation [add reference].</u> This would allow deploying a comprehensive ~~EU-wide~~ Union-wide certification system, covering the whole Union energy mix. Taking into consideration that LCF and LCH are not renewable fuels, their terminology and certification could not be included in the proposal for the revision of Directive (EU) 2018/2001 <u>. Therefore, their inclusion in this Directive fills in this gap.</u> <u>11. Commission Delegated Regulation (EU) 2021/2139 of 4 June 2021 supplementing Regulation (EU) 2020/852</u> of the European Parliament and of the Council⁺. Therefore, their inclusion in this Directive fills in this gap <u>by establishing the technical</u>

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		(EU) 2021/2139 of 4 June 2021 supplementing Regulation (EU) 2020/852 of the European Parliament and of the Council by establishing the technical screening criteria for determining the conditions under which an economic activity qualifies as contributing substantially to climate change mitigation or climate change adaptation and for determining whether that economic activity causes no significant harm to any of the other environmental objectives (OJ L 442, 9.12.2021, p. 1).		<u>screening criteria for determining the conditions under which an economic activity qualifies as contributing substantially to climate change mitigation or climate change adaptation and for determining whether that economic activity causes no significant harm to any of the other environmental objectives (OJ L 442, 9.12.2021, p. 1).</u> ~~1. Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ L 328, 21.12.2018, p. 82).~~ Provisionally agreed 21.11.2023
Recital 10				
20	(10) The freedoms which the Treaty guarantees the citizens of the Union — inter alia, the free movement of goods, the freedom of establishment and the freedom to provide services — are achievable only in a fully open market, which enables all consumers freely to choose their suppliers and all suppliers freely to deliver to their customers.	(10) The freedoms which the Treaty guarantees the citizens of the Union — inter alia, the free movement of goods, the freedom of establishment and the freedom to provide services — are achievable only in a fully open market, which enables all consumers freely to choose their suppliers and all suppliers freely to deliver to their customers.	(10) The freedoms which the Treaty guarantees the citizens of the Union — inter alia, the free movement of goods, the freedom of establishment and the freedom to provide services — are achievable only in a fully open market, which enables all consumers freely to choose their suppliers and all suppliers freely to deliver to their customers.	(10) The freedoms which the Treaty guarantees the citizens of the Union — inter alia, the free movement of goods, the freedom of establishment and the freedom to provide services — are achievable only in a fully open market, which enables all consumers freely to choose their suppliers and all suppliers freely to deliver to their customers.

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				Text Origin: Commission Proposal
Recital 13				
23	(13) Public service requirements and the common minimum standards that follow from them need to be further strengthened to make sure that all consumers, especially vulnerable ones, can benefit from competition and fair prices. The public service requirements should be defined at national level, taking into account national circumstances; Union law should, however, be respected by the Member States.	(13) Public service requirements and the common minimum standards that follow from them need to be further strengthened to make sure that all consumers, especially vulnerable ones, can benefit from competition and fair prices. The public service requirements should be defined at national level, taking into account national circumstances; Union law should, however, be respected by the Member States.	(13) Public service requirements and the common minimum standards that follow from them need to be further strengthened to make sure that all consumers, especially vulnerable ones, can benefit from competition and fair prices. The public service requirements should be defined at national level, taking into account national circumstances; Union law should, however, be respected by the Member States.	(13) Public service requirements and the common minimum standards that follow from them need to be further strengthened to make sure that all consumers, especially vulnerable ones, can benefit from competition and fair prices. The public service requirements should be defined at national level, taking into account national circumstances; Union law should, however, be respected by the Member States. Text Origin: Commission Proposal
Recital 13a				
23a				<u>(13a) To facilitate heat decarbonisation that is built on inclusiveness, consumers need to be informed about sustainable alternatives they can switch to and have access to suitable financing options and subsidies. Member States should take all measures necessary to minimise the adverse</u>

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				<u>effect that fuel switches or district heating connections implemented pursuant to article 11a) have on final customers including those in energy poverty, vulnerable customers and people who live in social housing. Where applicable, Member States should make the best possible use of funding, including public funding and funding facilities established at Union level, with the aim of minimising adverse effects and ensuring a just and inclusive energy transition.</u> Provisionally agreed recital in relation to Article 11a
Recital 17				
27	(17) Clear and comprehensible information should be made available to consumers concerning their rights in relation to the energy sector. The Commission has established, after consulting relevant stakeholders including Member States, regulatory authorities, consumer organisations and natural gas undertakings, an accessible, user-friendly energy consumer checklist providing	(17) Clear and comprehensible information should be made available to consumers concerning their rights in relation to the energy sector. The Commission has established, after consulting relevant stakeholders including Member States, regulatory authorities, consumer organisations and natural gas undertakings, an accessible, user-friendly energy consumer checklist providing	(17) Clear and comprehensible information should be made available to consumers concerning their rights in relation to the energy sector. The Commission has established, after consulting relevant stakeholders including Member States, regulatory authorities, consumer organisations and natural gas undertakings, an accessible, user-friendly energy consumer checklist providing	(17) Clear and comprehensible information should be made available to consumers concerning their rights in relation to the energy sector. The Commission has established, after consulting relevant stakeholders including Member States, regulatory authorities, consumer organisations and natural gas undertakings, an accessible, user-friendly energy consumer checklist providing

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	consumers with practical information about their rights. That energy consumer checklist should be maintained to date, provided to all consumers and should be made publicly available.	consumers with practical information about their rights. That energy consumer checklist should be maintained to date, provided to all consumers and should be made publicly available.	consumers with practical information about their rights. That energy consumer checklist should be maintained to date, provided to all consumers and should be made publicly available.	consumers with practical information about their rights. That energy consumer checklist should be maintained to date, provided to all consumers and should be made publicly available. Text Origin: Commission Proposal
Recital 28				
38	(28) In pursuing the consistency of provisions across sectors, burdens for national administrations and businesses should be limited and proportionate by also building on the experience with the Clean Energy for All Europeans Package.	(28) In pursuing the consistency of provisions across sectors, burdens for national administrations and businesses should be limited and proportionate by also building on the experience with the Clean Energy for All Europeans Package.	(28) In pursuing the consistency of provisions across sectors, burdens for national administrations and businesses should be limited and proportionate by also building on the experience with the Clean Energy for All Europeans Package.	(28) In pursuing the consistency of provisions across sectors, burdens for national administrations and businesses should be limited and proportionate by also building on the experience with the Clean Energy for All Europeans Package. Text Origin: Commission Proposal
Recital 30				
40	(30) Switching is an important indicator of consumer engagement as well as in important tool to boost competition on both the natural gas and hydrogen markets. Switching rates remain inconsistent among Member States and consumers are discouraged from	(30) Switching is an important indicator of customer engagement as well as an important tool to boost competition on both the natural gas and hydrogen markets and should therefore be guaranteed as a basic right to costumers. However, switching	(30) Switching is an important indicator of consumer engagement as well as ~~an~~ important tool to boost competition on both the natural gas and hydrogen markets. Switching rates remain inconsistent among Member States and consumers are discouraged from	(30) Switching is an important indicator of ~~consumer~~ customer engagement as well as ~~an~~ an important tool to boost competition on both the natural gas and hydrogen markets and should therefore be guaranteed as a basic right to costumers. However,

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	switching by exit and termination fees. Although removing such fees might limit consumer choice by eliminating products based on rewarding consumer loyalty, restricting their use further should improve consumer welfare, consumer engagement and competition in the market.	rates remain inconsistent among Member States and consumers are discouraged from switching both energy source and supplier by exit and termination fees. Although removing such fees might limit customer choice by eliminating products based on rewarding customer loyalty, restricting their use further should improve consumer welfare, consumer engagement and competition in the market, including promoting the use of biomethane and other low-carbon gas and renewable gas .	switching by exit and termination fees. Although removing such fees might limit consumer choice by eliminating products based on rewarding consumer loyalty, restricting their use further should improve consumer welfare, consumer engagement and competition in the market.	switching rates remain inconsistent among Member States and consumers are discouraged from switching both energy source and supplier by exit and termination fees. Although removing such fees might limit ~~consumer~~ customer choice by eliminating products based on rewarding ~~consumer~~ customer loyalty, restricting their use further should improve consumer welfare, consumer engagement and competition in the market. Provisionally agreed 17.11.2023
Recital 31				
41	(31) Shorter switching times are likely to encourage customers to search for better energy deals and switch supplier. With the increased deployment of information technology, by the year 2026, the technical switching process of registering a new supplier in a metering point at the market operator should typically be possible to complete within 24 hours on any working day. Ensuring that it is possible by that date for the technical process of	(31) Shorter switching times are likely to encourage customers to search for better energy deals and switch supplier. With the increased deployment of information technology, by the year 2026, the technical switching process of registering a new supplier in a metering point at the market operator should typically be possible to complete within 24 hours on any working day. Ensuring that it is possible by that date for the technical process of	(31) Shorter switching times are likely to encourage customers to search for better energy deals and switch supplier. With the increased deployment of information technology, by the year 2026, the technical switching process of registering a new supplier in a metering point at the market operator should typically be possible to complete within 24 hours on any working day. Ensuring that it is possible by that date for the technical process of	(31) Shorter switching times are likely to encourage customers to search for better energy deals and switch supplier. With the increased deployment of information technology, by the year 2026, the technical switching process of registering a new supplier in a metering point at the market operator should typically be possible to complete within 24 hours on any working day. Ensuring that it is possible by that date for the technical process of

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	switching to take place within 24 hours would minimise switching times, helping to increase consumer engagement and retail competition.	switching to take place within 24 hours would minimise switching times, helping to increase consumer engagement and retail competition.	switching to take place within 24 hours would minimise switching times, helping to increase consumer engagement and retail competition.	switching to take place within 24 hours would minimise switching times, helping to increase consumer engagement and retail competition. Text Origin: Commission Proposal
Recital 31a				
41a			(31a) The 24 hour switching in gas procedure would mirror what already applies in the electricity market, which has similar back-end functionalities and IT database requirements. Harmonising switching times between both sectors would benefit all consumers, in particular those on dual fuel contracts. Shorter switching times for consumers should not affect a supplier balancing obligations.	<u>(31a) The 24 hour switching in gas procedure would mirror what already applies in the electricity market, which has similar back-end functionalities and IT database requirements. Harmonising switching times between both sectors would benefit all consumers, in particular those on dual fuel contracts. Shorter switching times for consumers should not affect a supplier balancing obligations.</u> Provisionally agreed 17.11.2023 Text Origin: Council Mandate
Recital 32				
42	(32) Several factors impede consumers from accessing,	(32) Several factors impede <i>customers</i> from accessing,	(32) Several factors impede consumers from accessing,	(32) Several factors impede ~~e~~ consumers <i>customers</i> from

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	understanding and acting upon the various sources of market information available to them. It follows that the comparability of offers should be improved and barriers to switching should be minimised to the greatest practicable extent without unduly limiting consumer choice.	understanding and acting upon the various sources of market information available to them. It follows that the comparability of offers should be improved, <i>through adequate customer information, including on the environmental impact of the energy offers, and comparison tools for all customers, and unjustified barriers to switching should be removed</i> without unduly limiting <i>customer</i> choice.	understanding and acting upon the various sources of market information available to them. It follows that the comparability of offers should be improved and barriers to switching should be minimised to the greatest practicable extent without unduly limiting consumer choice.	accessing, understanding and acting upon the various sources of market information available to them. It follows that the comparability of offers should be improved, <u>through adequate customer information, comparison tools for customers, and unjustified</u> ~~and~~ barriers to switching should be ~~minimised to the greatest practicable extent without unduly limiting consumer choice~~ <u>removed without unduly limiting customer choice. It is also vital that suppliers provide customers with a clear and understandable pre-contractual information, so that they are fully aware about the details and consequences of the contract.</u> Provisionally agreed 17.11.2023
Recital 33				
43	(33) Independent comparison tools, including websites, are an effective means for smaller customers to assess the merits of the different energy offers that are available on the market. They should aim to include the broadest possible range of available offers,	(33) Independent comparison tools, including websites, are an effective means for smaller customers to assess the merits of the different energy offers that are available on the market. They should aim to include the broadest possible range of available offers,	(33) Independent comparison tools, including websites, are an effective means for smaller customers to assess the merits of the different energy offers that are available on the market. They should aim to include the broadest possible range of available offers,	(33) Independent comparison tools, including websites, are an effective means for smaller customers to assess the merits of the different energy offers that are available on the market. They should aim to include the broadest possible range of available offers,

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	and to cover the market as completely as is feasible so as to give the customer a representative overview. It is crucial that smaller customers have access to at least one comparison tool and that the information given on such tools be trustworthy, impartial and transparent. To that end, Member States could provide for a comparison tool that is operated by a national authority or a private company.	and to cover the market as completely as is feasible so as to give the customer a representative overview <i>in a clear and easy to understand manner. Where the environmental impact is promoted as an essential feature of the offer, comparison tools should also include a description of that environmental impact.</i> It is crucial that smaller customers have access to at least one comparison tool and that the information given on such tools be trustworthy, impartial, <i>transparent and easy to understand.</i> To that end, Member States could provide for a comparison tool that is operated by a national authority or a private company. <i>It is also vital to provide customers with a clear and understandable pre-contractual information, so that they are fully aware about the details and consequences of the contract.</i>	and to cover the market as completely as is feasible so as to give the customer a representative overview. It is crucial that smaller customers have access to at least one comparison tool and that the information given on such tools be trustworthy, impartial and transparent. To that end, Member States could provide for a comparison tool that is operated by a national authority or a private company.	and to cover the market as completely as is feasible so as to give the customer a representative overview. <u><i>Where the environmental performance is promoted as an essential feature of the offer, comparison tools should also include a description of that environmental performance.</i></u> It is crucial that smaller customers have access to at least one comparison tool and that the information given on such tools be trustworthy, impartial, <u><i>transparent and easy to understand</i></u> ~~and transparent~~ . To that end, Member States could provide for a comparison tool that is operated by a national authority or a private company <u><i>and consult criteria for comparison tools with relevant stakeholders, including organisations representing consumer's interests.</i></u> Provisionally agreed 17.11.2023
	Recital 36			
46	(36) The provisions on citizen energy communities do not preclude the existence of other citizen initiatives such as	(36) █	(36) ~~The provisions on citizen energy communities do not preclude the existence of other citizen initiatives such as~~	(36) ~~The provisions on citizen energy communities do not preclude the existence of other citizen initiatives such as~~

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Renewable Energy Communities in Directive (EU) 2018/2001 or those stemming from private law agreements. Membership of citizen energy communities should be open to all categories of entities. However, the decision-making powers within a citizen energy community should be limited to those members or shareholders that are not engaged in large-scale commercial activity and for which the energy sector does not constitute a primary area of economic activity. This means that citizen energy communities and individual members or shareholders need to be financially and economically independent from entities engaged in such activities, notwithstanding the possibility for citizen energy communities to delegate the management of the installations required for their activities, including installation, operation, data handling and maintenance.		Renewable Energy Communities in Directive (EU) 2018/2001 or those stemming from private law agreements. Membership of citizen energy communities should be open to all categories of entities. However, the decision-making powers within a citizen energy community should be limited to those members or shareholders that are not engaged in large-scale commercial activity and for which the energy sector does not constitute a primary area of economic activity. This means that citizen energy communities and individual members or shareholders need to be financially and economically independent from entities engaged in such activities, notwithstanding the possibility for citizen energy communities to delegate the management of the installations required for their activities, including installation, operation, data handling and maintenance.	~~Renewable Energy Communities in Directive (EU) 2018/2001 or those stemming from private law agreements. Membership of citizen energy communities should be open to all categories of entities. However, the decision-making powers within a citizen energy community should be limited to those members or shareholders that are not engaged in large-scale commercial activity and for which the energy sector does not constitute a primary area of economic activity. This means that citizen energy communities and individual members or shareholders need to be financially and economically independent from entities engaged in such activities, notwithstanding the possibility for citizen energy communities to delegate the management of the installations required for their activities, including installation, operation, data handling and maintenance.~~ <u>Deleted</u>
	Recital 38			
48	(38) The regular provision of accurate billing information based	(38) The regular provision of accurate billing information based	(38) The regular provision of accurate billing information based	(38) The regular provision of accurate billing information based

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	on actual gas consumption, facilitated by smart metering, is important to help customers to control their gas consumption and costs. Nevertheless, customers, in particular household customers, should have access to flexible arrangements for the actual payment of their bills.	on actual gas consumption ■ is important to help customers to control their gas consumption and costs. Nevertheless, customers, in particular household customers, should have access to flexible arrangements for the actual payment of their bills.	on actual gas consumption, facilitated by smart metering, is important to help customers to control their gas consumption and costs. Nevertheless, customers, in particular household customers, should have access to flexible arrangements for the actual payment of their bills.	on actual gas consumption, ~~facilitated by smart metering,~~ is important to help customers to control their gas consumption and costs. Nevertheless, customers, in particular household customers, should have access to flexible arrangements for the actual payment of their bills. Provisionally agreed 17.11.2023 Text Origin: EP Mandate
Recital 39				
49	(39) A key aspect in supplying customers is access to objective and transparent consumption data. Thus, consumers should have access to their consumption data and associated prices and services costs so that they can invite competitors to make an offer based on that information. Consumers should also have the right to be properly informed about their energy consumption. Prepayments should not place a disproportionate disadvantage on their users, while different payment systems should be non-discriminatory. Information on energy costs provided to	(39) A key aspect in supplying customers is access to objective and transparent consumption data. Thus, consumers should have access to their consumption data and associated prices and services costs so that they can invite competitors to make an offer based on that information. Consumers should also have the right to be properly informed about their energy consumption. Prepayments should not place a disproportionate disadvantage on their users, while different payment systems should be non-discriminatory. Information on energy costs provided to	(39) A key aspect in supplying customers is access to objective and transparent consumption data. Thus, consumers should have access to their consumption data and associated prices and services costs so that they can invite competitors to make an offer based on that information. Consumers should also have the right to be properly informed about their energy consumption. Prepayments should not place a disproportionate disadvantage on their users, while different payment systems should be non-discriminatory. Information on energy costs provided to	(39) A key aspect in supplying customers is access to objective and transparent consumption data. Thus, consumers should have access to their consumption data and associated prices and services costs, <u>including the price of additional services such as insurances and energy efficiency services, where relevant,</u> so that they can invite competitors to make an offer based on that information. Consumers should also have the right to be properly informed about their energy consumption. Prepayments should not place a disproportionate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	consumers frequently enough should create incentives for energy savings because it will give customers direct feedback on the effects of investment in energy efficiency and change of behaviour.	consumers frequently enough should create incentives for energy savings because it will give customers direct feedback on the effects of investment in energy efficiency and change of behaviour.	consumers frequently enough should create incentives for energy savings because it will give customers direct feedback on the effects of investment in energy efficiency and change of behaviour.	disadvantage on their users, while different payment systems should be non-discriminatory. Information on energy costs provided to consumers frequently enough should create incentives for energy savings because it will give customers direct feedback on the effects of investment in energy efficiency and change of behaviour. Provisionally agreed 17.11.2023
Recital 43				
53	(43) Currently, different models for the management of data have been developed or are under development in Member States following deployment of smart metering systems. Independently of the data management model it is important that Member States put in place transparent rules that data can be accessed under non-discriminatory conditions and ensure the highest level of cybersecurity and data protection as well as the impartiality of the entities which process data.	(43) Currently, different models for the management of data have been developed or are under development in Member States following deployment of smart metering systems. Independently of the data management model it is important that Member States put in place transparent rules that data can be accessed under non-discriminatory conditions and ensure the highest level of cybersecurity and data protection as well as the impartiality of the entities which process data.	(43) Currently, different models for the management of data have been developed or are under development in Member States following deployment of smart metering systems. Independently of the data management model it is important that Member States put in place transparent rules that data can be accessed under non-discriminatory conditions and ensure the highest level of cybersecurity and data protection as well as the impartiality of the entities which process data.	(43) Currently, different models for the management of data have been developed or are under development in Member States following deployment of smart metering systems. Independently of the data management model it is important that Member States put in place transparent rules that data can be accessed under non-discriminatory conditions and ensure the highest level of cybersecurity and data protection as well as the impartiality of the entities which process data. Text Origin: Commission

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Proposal
Recital 44				
54	(44) Greater consumer protection is guaranteed by the availability of effective means of dispute settlement for all consumers. Member States should provide for speedy and effective complaint handling procedures.	(44) Greater consumer protection is guaranteed by the availability of effective means of dispute settlement for all <i>costumers</i> . Member States should provide for speedy and effective complaint handling procedures. <i>Guidance about where and how to complain should be provided in costumer contracts and billing information.</i>	(44) Greater consumer protection is guaranteed by the availability of effective means of dispute settlement for all consumers. Member States should provide for speedy and effective complaint handling procedures.	(44) Greater consumer protection is guaranteed by the availability of effective means of dispute settlement for all ~~consumers~~ <i>costumers</i> . Member States should provide for speedy and effective complaint handling procedures. <u>Information on complaint handling should be provided in costumer contracts and billing information.</u> Provisionally agreed 17.11.2023
Recital 44a				
54a				<u>(44a) When assessing the functioning of their out-of-court dispute settlement mechanisms, Member States should take into account the participation and compliance of natural gas undertakings.</u> In relation to agreement on line 459a
Recital 48				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
58	(48) Providing guidance to applicants throughout their administrative permit application and granting processes by means of an administrative contact point is intended to reduce complexity for project developers and increase efficiency and transparency. The availability for applicants to submit relevant documents in digital form and the availability of a manual of procedures for applicants could contribute to efficiency. Member States should ensure that the authorities implementing authorisation procedures are actively involved in the tackling of remaining barriers, including non-financial ones such as insufficient knowledge, digital and human resources that hinder their processing of a growing number of authorisation procedures.	(48) Providing guidance to applicants throughout their administrative permit application and granting processes by means of an administrative contact point is intended to reduce complexity for project developers and increase efficiency and transparency. The availability for applicants to submit relevant documents in digital form and the availability of a manual of procedures for applicants could contribute to efficiency. Member States should ensure that the authorities implementing authorisation procedures are actively involved in the tackling of remaining barriers, including non-financial ones such as insufficient knowledge, digital and human resources that hinder their processing of a growing number of authorisation procedures.	(48) Providing guidance to applicants throughout their administrative permit application and granting processes by means of an administrative contact point is intended to reduce complexity for project developers and increase efficiency and transparency. The availability for applicants to submit relevant documents in digital form and the availability of a manual of procedures for applicants could contribute to efficiency. Member States should ensure that the authorities implementing authorisation procedures are actively involved in the tackling of remaining barriers, including non-financial ones such as insufficient knowledge, digital and human resources that hinder their processing of a growing number of authorisation procedures.	(48) Providing guidance to applicants throughout their administrative permit application and granting processes by means of an administrative contact point is intended to reduce complexity for project developers and increase efficiency and transparency. The availability for applicants to submit relevant documents in digital form and the availability of a manual of procedures for applicants could contribute to efficiency. Member States should ensure that the authorities implementing authorisation procedures are actively involved in the tackling of remaining barriers, including non-financial ones such as insufficient knowledge, digital and human resources that hinder their processing of a growing number of authorisation procedures. Text Origin: Commission Proposal
Recital 49				
59	(49) Without effective separation of networks from activities of production and supply (effective	(49) Without effective separation of networks from activities of production and supply (effective	(49) Without effective separation of networks from activities of production and supply (effective	(49) Without effective separation of networks from activities of production and supply (effective

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	unbundling), there is a risk of discrimination not only in the operation of the network but also in the incentives for vertically integrated undertakings to invest adequately in their networks.	unbundling), there is a risk of discrimination not only in the operation of the network but also in the incentives for vertically integrated undertakings to invest adequately in their networks.	unbundling), there is a risk of discrimination not only in the operation of the network but also in the incentives for vertically integrated undertakings to invest adequately in their networks.	unbundling), there is a risk of discrimination not only in the operation of the network but also in the incentives for vertically integrated undertakings to invest adequately in their networks. Text Origin: Commission Proposal
Recital 51				
61	(51) Only the removal of the incentive for vertically integrated undertakings to discriminate against competitors as regards network access and investment can ensure effective unbundling. Ownership unbundling, which implies the appointment of the network owner as the system operator and its independence from any supply and production interests, is clearly an effective and stable way to solve the inherent conflict of interests and to ensure security of supply. For that reason, the European Parliament, in its resolution of 10 July 2007 on prospects for the internal gas and electricity market referred to ownership unbundling at transmission level as the most	(51) Only the removal of the incentive for vertically integrated undertakings to discriminate against competitors as regards network access and investment can ensure effective unbundling. Ownership unbundling, which implies the appointment of the network owner as the system operator and its independence from any supply and production interests, is clearly an effective and stable way to solve the inherent conflict of interests and to ensure security of supply. For that reason, the European Parliament, in its resolution of 10 July 2007 on prospects for the internal gas and electricity market referred to ownership unbundling at transmission level as the most	(51) Only the removal of the incentive for vertically integrated undertakings to discriminate against competitors as regards network access and investment can ensure effective unbundling. Ownership unbundling, which implies the appointment of the network owner as the system operator and its independence from any supply and production interests, is clearly an effective and stable way to solve the inherent conflict of interests and to ensure security of supply. For that reason, the European Parliament, in its resolution of 10 July 2007 on prospects for the internal gas and electricity market referred to ownership unbundling at transmission level as the most	(51) Only the removal of the incentive for vertically integrated undertakings to discriminate against competitors as regards network access and investment can ensure effective unbundling. Ownership unbundling, which implies the appointment of the network owner as the system operator and its independence from any supply and production interests, is clearly an effective and stable way to solve the inherent conflict of interests and to ensure security of supply. For that reason, the European Parliament, in its resolution of 10 July 2007 on prospects for the internal gas and electricity market referred to ownership unbundling at transmission level as the most

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	effective tool to promote investments in infrastructure in a non-discriminatory way, fair access to the network for new entrants and transparency in the market. Under ownership unbundling, Member States should therefore be required to ensure that the same person or persons are not entitled to exercise control over a production or supply undertaking and, at the same time, exercise control or any right over a transmission system operator or transmission system. Conversely, control over a transmission system or transmission system operator should preclude the possibility of exercising control or any right over a production or supply undertaking. Within those limits, a production or supply undertaking should be able to have a minority shareholding in a transmission system operator or transmission system.	effective tool to promote investments in infrastructure in a non-discriminatory way, fair access to the network for new entrants and transparency in the market. Under ownership unbundling, Member States should therefore be required to ensure that the same person or persons are not entitled to exercise control over a production or supply undertaking and, at the same time, exercise control or any right over a transmission system operator or transmission system. Conversely, control over a transmission system or transmission system operator should preclude the possibility of exercising control or any right over a production or supply undertaking. Within those limits, a production or supply undertaking should be able to have a minority shareholding in a transmission system operator or transmission system.	effective tool to promote investments in infrastructure in a non-discriminatory way, fair access to the network for new entrants and transparency in the market. Under ownership unbundling, Member States should therefore be required to ensure that the same person or persons are not entitled to exercise control over a production or supply undertaking and, at the same time, exercise control or any right over a transmission system operator or transmission system. Conversely, control over a transmission system or transmission system operator should preclude the possibility of exercising control or any right over a production or supply undertaking. Within those limits, a production or supply undertaking should be able to have a minority shareholding in a transmission system operator or transmission system.	effective tool to promote investments in infrastructure in a non-discriminatory way, fair access to the network for new entrants and transparency in the market. Under ownership unbundling, Member States should therefore be required to ensure that the same person or persons are not entitled to exercise control over a production or supply undertaking and, at the same time, exercise control or any right over a transmission system operator or transmission system. Conversely, control over a transmission system or transmission system operator should preclude the possibility of exercising control or any right over a production or supply undertaking. Within those limits, a production or supply undertaking should be able to have a minority shareholding in a transmission system operator or transmission system. Text Origin: Commission Proposal
	Recital 52			
62	(52) Any system for unbundling should be effective in removing	(52) Any system for unbundling should be effective in removing	(52) Any system for unbundling should be effective in removing	(52) Any system for unbundling should be effective in removing

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	any conflict of interests between producers, suppliers and transmission system operators, in order to create incentives for the necessary investments and guarantee the access of new market entrants under a transparent and efficient regulatory regime and should not create an overly onerous regulatory regime for regulatory authorities.	any conflict of interests between producers, suppliers and transmission system operators, in order to create incentives for the necessary investments and guarantee the access of new market entrants under a transparent and efficient regulatory regime and should not create an overly onerous regulatory regime for regulatory authorities.	any conflict of interests between producers, suppliers and transmission system operators, in order to create incentives for the necessary investments and guarantee the access of new market entrants under a transparent and efficient regulatory regime and should not create an overly onerous regulatory regime for regulatory authorities.	any conflict of interests between producers, suppliers and transmission system operators, in order to create incentives for the necessary investments and guarantee the access of new market entrants under a transparent and efficient regulatory regime and should not create an overly onerous regulatory regime for regulatory authorities. Text Origin: Commission Proposal
Recital 56				
66	(56) Under ownership unbundling, to ensure full independence of network operation from supply and production interests and to prevent exchanges of any confidential information, the same person should not be a member of the managing boards of both a transmission system operator or a transmission system and an undertaking performing any of the functions of production or supply. For the same reason, the same person should not be entitled to appoint members of the managing boards of a transmission system	(56) Under ownership unbundling, to ensure full independence of network operation from supply and production interests and to prevent exchanges of any confidential information, the same person should not be a member of the managing boards of both a transmission system operator or a transmission system and an undertaking performing any of the functions of production or supply. For the same reason, the same person should not be entitled to appoint members of the managing boards of a transmission system	(56) Under ownership unbundling, to ensure full independence of network operation from supply and production interests and to prevent exchanges of any confidential information, the same person should not be a member of the managing boards of both a transmission system operator or a transmission system and an undertaking performing any of the functions of production or supply. For the same reason, the same person should not be entitled to appoint members of the managing boards of a transmission system	(56) Under ownership unbundling, to ensure full independence of network operation from supply and production interests and to prevent exchanges of any confidential information, the same person should not be a member of the managing boards of both a transmission system operator or a transmission system and an undertaking performing any of the functions of production or supply. For the same reason, the same person should not be entitled to appoint members of the managing boards of a transmission system

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	operator or a transmission system and to exercise control or any right over a production or supply undertaking.	operator or a transmission system and to exercise control or any right over a production or supply undertaking.	operator or a transmission system and to exercise control or any right over a production or supply undertaking.	operator or a transmission system and to exercise control or any right over a production or supply undertaking. Text Origin: Commission Proposal
Recital 57				
67	(57) The setting up of a system operator or a transmission operator that is independent from supply and production interests should enable a vertically integrated undertaking to maintain its ownership of network assets whilst ensuring an effective separation of interests, provided that such independent system operator or such independent transmission operator performs all the functions of a system operator and detailed regulation and extensive regulatory control mechanisms are put in place.	(57) The setting up of a system operator or a transmission operator that is independent from supply and production interests should enable a vertically integrated undertaking to maintain its ownership of network assets whilst ensuring an effective separation of interests, provided that such independent system operator or such independent transmission operator performs all the functions of a system operator and detailed regulation and extensive regulatory control mechanisms are put in place.	(57) The setting up of a system operator or a transmission operator that is independent from supply and production interests should enable a vertically integrated undertaking to maintain its ownership of network assets whilst ensuring an effective separation of interests, provided that such independent system operator or such independent transmission operator performs all the functions of a system operator and detailed regulation and extensive regulatory control mechanisms are put in place.	(57) The setting up of a system operator or a transmission operator that is independent from supply and production interests should enable a vertically integrated undertaking to maintain its ownership of network assets whilst ensuring an effective separation of interests, provided that such independent system operator or such independent transmission operator performs all the functions of a system operator and detailed regulation and extensive regulatory control mechanisms are put in place. Text Origin: Commission Proposal
Recital 58				
68	(58) Where, on 3 September 2009,	(58) Where, on 3 September 2009,	(58) Where, on 3 September 2009,	(58) Where, on 3 September 2009,

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	an undertaking owning a transmission system was part of a vertically integrated undertaking, Member States should therefore be given a choice between ownership unbundling and setting up a system operator or transmission operator which is independent from supply and production interests.	an undertaking owning a transmission system was part of a vertically integrated undertaking, Member States should therefore be given a choice between ownership unbundling and setting up a system operator or transmission operator which is independent from supply and production interests.	an undertaking owning a transmission system was part of a vertically integrated undertaking, Member States should therefore be given a choice between ownership unbundling and setting up a system operator or transmission operator which is independent from supply and production interests.	an undertaking owning a transmission system was part of a vertically integrated undertaking, Member States should therefore be given a choice between ownership unbundling and setting up a system operator or transmission operator which is independent from supply and production interests. Text Origin: Commission Proposal
Recital 59				
69	(59) To fully preserve the interests of the shareholders of vertically integrated undertakings, Member States should have the choice of implementing ownership unbundling either by direct divestiture or by splitting the shares of the integrated undertaking into shares of the network undertaking and shares of the remaining supply and production undertaking, provided that the requirements resulting from ownership unbundling are complied with.	(59) To fully preserve the interests of the shareholders of vertically integrated undertakings, Member States should have the choice of implementing ownership unbundling either by direct divestiture or by splitting the shares of the integrated undertaking into shares of the network undertaking and shares of the remaining supply and production undertaking, provided that the requirements resulting from ownership unbundling are complied with.	(59) To fully preserve the interests of the shareholders of vertically integrated undertakings, Member States should have the choice of implementing ownership unbundling either by direct divestiture or by splitting the shares of the integrated undertaking into shares of the network undertaking and shares of the remaining supply and production undertaking, provided that the requirements resulting from ownership unbundling are complied with.	(59) To fully preserve the interests of the shareholders of vertically integrated undertakings, Member States should have the choice of implementing ownership unbundling either by direct divestiture or by splitting the shares of the integrated undertaking into shares of the network undertaking and shares of the remaining supply and production undertaking, provided that the requirements resulting from ownership unbundling are complied with. Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Recital 60			
70	(60) The full effectiveness of the independent system operator or independent transmission operator solutions should be ensured by way of specific additional rules. The rules on the independent transmission operator provide an appropriate regulatory framework to guarantee fair competition, sufficient investment, access for new market entrants and the integration of gas markets. Effective unbundling through the independent transmission operator provisions should be based on a pillar of organisational measures and measures relating to the governance of transmission system operators and on a pillar of measures relating to investment, connecting new production capacities to the network and market integration through regional cooperation. The independence of the transmission operator should also, inter alia, be ensured through certain ‘cooling-off’ periods during which no management or other relevant activity giving access to the same information as could have been obtained in a managerial	(60) The full effectiveness of the independent system operator or independent transmission operator solutions should be ensured by way of specific additional rules. The rules on the independent transmission operator provide an appropriate regulatory framework to guarantee fair competition, sufficient investment, access for new market entrants and the integration of gas markets. Effective unbundling through the independent transmission operator provisions should be based on a pillar of organisational measures and measures relating to the governance of transmission system operators and on a pillar of measures relating to investment, connecting new production capacities to the network and market integration through regional cooperation. The independence of the transmission operator should also, inter alia, be ensured through certain ‘cooling-off’ periods during which no management or other relevant activity giving access to the same information as could have been obtained in a managerial	(60) The full effectiveness of the independent system operator or independent transmission operator solutions should be ensured by way of specific additional rules. The rules on the independent transmission operator provide an appropriate regulatory framework to guarantee fair competition, sufficient investment, access for new market entrants and the integration of gas markets. Effective unbundling through the independent transmission operator provisions should be based on a pillar of organisational measures and measures relating to the governance of transmission system operators and on a pillar of measures relating to investment, connecting new production capacities to the network and market integration through regional cooperation. The independence of the transmission operator should also, inter alia, be ensured through certain ‘cooling-off’ periods during which no management or other relevant activity giving access to the same information as could have been obtained in a managerial	(60) The full effectiveness of the independent system operator or independent transmission operator solutions should be ensured by way of specific additional rules. The rules on the independent transmission operator provide an appropriate regulatory framework to guarantee fair competition, sufficient investment, access for new market entrants and the integration of gas markets. Effective unbundling through the independent transmission operator provisions should be based on a pillar of organisational measures and measures relating to the governance of transmission system operators and on a pillar of measures relating to investment, connecting new production capacities to the network and market integration through regional cooperation. The independence of the transmission operator should also, inter alia, be ensured through certain ‘cooling-off’ periods during which no management or other relevant activity giving access to the same information as could have been obtained in a managerial

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	position is exercised in the vertically integrated undertaking.	position is exercised in the vertically integrated undertaking.	position is exercised in the vertically integrated undertaking.	position is exercised in the vertically integrated undertaking. Text Origin: Commission Proposal
Recital 61				
71	(61) In order to develop competition in the internal market in gas, large non-household customers, engaged in large-scale commercial activities, should be able to choose their suppliers and enter into contracts with several suppliers to secure their gas requirements. Such customers should be protected against exclusivity clauses, the effect of which is to exclude competing or complementary offers.	(61) In order to develop competition in the internal market in gas, large non-household customers, engaged in large-scale commercial activities, should be able to choose their suppliers and enter into contracts with several suppliers to secure their gas requirements. Such customers should be protected against exclusivity clauses, the effect of which is to exclude competing or complementary offers.	(61) In order to develop competition in the internal market in gas, large non-household customers, engaged in large-scale commercial activities, should be able to choose their suppliers and enter into contracts with several suppliers to secure their gas requirements. Such customers should be protected against exclusivity clauses, the effect of which is to exclude competing or complementary offers.	(61) In order to develop competition in the internal market in gas, large non-household customers, engaged in large-scale commercial activities, should be able to choose their suppliers and enter into contracts with several suppliers to secure their gas requirements. Such customers should be protected against exclusivity clauses, the effect of which is to exclude competing or complementary offers. Text Origin: Commission Proposal
Recital 63				
73	(63) Different types of market organisation exist in the internal market in natural gas. The measures that Member States could take in order to ensure a level playing field should be based on	(63) Different types of market organisation exist in the internal market in natural gas. The measures that Member States could take in order to ensure a level playing field should be based on	(63) Different types of market organisation exist in the internal market in natural gas. The measures that Member States could take in order to ensure a level playing field should be based on	(63) Different types of market organisation exist in the internal market in natural gas. The measures that Member States could take in order to ensure a level playing field should be based on

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	overriding requirements of general interest. The Commission should be consulted on the compatibility of the measures with the TFEU and Union law.	overriding requirements of general interest. The Commission should be consulted on the compatibility of the measures with the TFEU and Union law.	overriding requirements of general interest. The Commission should be consulted on the compatibility of the measures with the TFEU and Union law.	overriding requirements of general interest. The Commission should be consulted on the compatibility of the measures with the TFEU and Union law. Text Origin: Commission Proposal
Recital 64				
74	(64) The implementation of effective unbundling should respect the principle of non-discrimination between the public and private sectors. To that end, the same person should not be able to exercise control or any right, in violation of the rules of ownership unbundling or the independent system operator option, solely or jointly, over the composition, voting or decision of the bodies of both the transmission system operators or the transmission systems and the production or supply undertakings. With regard to ownership unbundling and the independent system operator solution, provided that the Member State in question is able to demonstrate that the requirement is complied with, two separate public	(64) The implementation of effective unbundling should respect the principle of non-discrimination between the public and private sectors. To that end, the same person should not be able to exercise control or any right, in violation of the rules of ownership unbundling or the independent system operator option, solely or jointly, over the composition, voting or decision of the bodies of both the transmission system operators or the transmission systems and the production or supply undertakings. With regard to ownership unbundling and the independent system operator solution, provided that the Member State in question is able to demonstrate that the requirement is complied with, two separate public	(64) The implementation of effective unbundling should respect the principle of non-discrimination between the public and private sectors. To that end, the same person should not be able to exercise control or any right, in violation of the rules of ownership unbundling or the independent system operator option, solely or jointly, over the composition, voting or decision of the bodies of both the transmission system operators or the transmission systems and the production or supply undertakings. With regard to ownership unbundling and the independent system operator solution, provided that the Member State in question is able to demonstrate that the requirement is complied with, two separate public	(64) The implementation of effective unbundling should respect the principle of non-discrimination between the public and private sectors. To that end, the same person should not be able to exercise control or any right, in violation of the rules of ownership unbundling or the independent system operator option, solely or jointly, over the composition, voting or decision of the bodies of both the transmission system operators or the transmission systems and the production or supply undertakings. With regard to ownership unbundling and the independent system operator solution, provided that the Member State in question is able to demonstrate that the requirement is complied with, two separate public

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	bodies should be able to control production and supply activities on the one hand and transmission activities on the other.	bodies should be able to control production and supply activities on the one hand and transmission activities on the other.	bodies should be able to control production and supply activities on the one hand and transmission activities on the other.	bodies should be able to control production and supply activities on the one hand and transmission activities on the other. Text Origin: Commission Proposal
Recital 65				
75	(65) Fully effective separation of network activities from supply and production activities should apply throughout the Union to both Union and non-Union undertakings. To ensure that network activities and supply and production activities throughout the Union remain independent from each other, regulatory authorities should be empowered to refuse certification to transmission system operators that do not comply with the unbundling rules. To ensure the consistent application of those rules across the Union, the regulatory authorities should take utmost account of the Commission's opinion when the former take decisions on certification. To ensure, in addition, respect for the international obligations of the	(65) Fully effective separation of network activities from supply and production activities should apply throughout the Union to both Union and non-Union undertakings. To ensure that network activities and supply and production activities throughout the Union remain independent from each other, regulatory authorities should be empowered to refuse certification to transmission system operators that do not comply with the unbundling rules. To ensure the consistent application of those rules across the Union, the regulatory authorities should take utmost account of the Commission's opinion when the former take decisions on certification. To ensure, in addition, respect for the international obligations of the	(65) Fully effective separation of network activities from supply and production activities should apply throughout the Union to both Union and non-Union undertakings. To ensure that network activities and supply and production activities throughout the Union remain independent from each other, regulatory authorities should be empowered to refuse certification to transmission system operators that do not comply with the unbundling rules. To ensure the consistent application of those rules across the Union, the regulatory authorities should take utmost account of the Commission's opinion when the former take decisions on certification. To ensure, in addition, respect for the international obligations of the	(65) Fully effective separation of network activities from supply and production activities should apply throughout the Union to both Union and non-Union undertakings. To ensure that network activities and supply and production activities throughout the Union remain independent from each other, regulatory authorities should be empowered to refuse certification to transmission system operators that do not comply with the unbundling rules. To ensure the consistent application of those rules across the Union, the regulatory authorities should take utmost account of the Commission's opinion when the former take decisions on certification. To ensure, in addition, respect for the international obligations of the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Union and solidarity and energy security within the Union, the Commission should have the right to give an opinion on certification in relation to a transmission system owner or a transmission system operator which is controlled by a person or persons from a third country or third countries.	Union and solidarity and energy security within the Union, the Commission should have the right to give an opinion on certification in relation to a transmission system owner or a transmission system operator which is controlled by a person or persons from a third country or third countries.	Union and solidarity and energy security within the Union, the Commission should have the right to give an opinion on certification in relation to a transmission system owner or a transmission system operator which is controlled by a person or persons from a third country or third countries.	Union and solidarity and energy security within the Union, the Commission should have the right to give an opinion on certification in relation to a transmission system owner or a transmission system operator which is controlled by a person or persons from a third country or third countries. Text Origin: Commission Proposal
Recital 71				
81	(71) Hydrogen networks should be subject to third-party access in order to ensure competition and a level playing field in the market for hydrogen supply. Regulated third-party access on the basis of regulated access tariffs should be the default rule in the long-term. In order to ensure the necessary flexibility for operators and to reduce administrative costs during the ramp-up phase of the hydrogen market, Member States should have the option to allow the use of negotiated third-party access until 2030.	(71) Hydrogen networks should be subject to third-party access in order to ensure competition and a level playing field in the market for hydrogen supply. Regulated third-party access on the basis of regulated access tariffs should be the default rule in the long-term. In order to ensure the necessary flexibility for operators and to reduce administrative costs during the ramp-up phase of the hydrogen market, Member States should have the option to allow the use of negotiated third-party access until 2030.	(71) Hydrogen networks should be subject to third-party access in order to ensure competition and a level playing field in the market for hydrogen supply. Regulated third-party access on the basis of regulated access tariffs should be the default rule in the long-term. In order to ensure the necessary flexibility for operators and to reduce administrative costs during the ramp-up phase of the hydrogen market, Member States should have the option to allow the use of negotiated third-party access until 2030.	(71) Hydrogen networks should be subject to third-party access in order to ensure competition and a level playing field in the market for hydrogen supply. Regulated third-party access on the basis of regulated access tariffs should be the default rule in the long-term. In order to ensure the necessary flexibility for operators and to reduce administrative costs during the ramp-up phase of the hydrogen market, Member States should have the option to allow the use of negotiated third-party access until 2030. Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 83				
93	(83) Pipelines connecting a third-country oil or gas production project to a processing plant or to a final coastal landing terminal within a Member State should be considered to be upstream pipeline networks. Pipelines connecting an oil or gas production project in a Member State to a processing plant or to a final coastal landing terminal within a third country should not be considered to be upstream pipeline networks for the purpose of this Directive, since such pipelines are unlikely to have a significant impact on the internal energy market.	(83) Pipelines connecting a third-country oil or gas production project to a processing plant or to a final coastal landing terminal within a Member State should be considered to be upstream pipeline networks. Pipelines connecting an oil or gas production project in a Member State to a processing plant or to a final coastal landing terminal within a third country should not be considered to be upstream pipeline networks for the purpose of this Directive, since such pipelines are unlikely to have a significant impact on the internal energy market.	(83) Pipelines connecting a third-country oil or gas production project to a processing plant or to a final coastal landing terminal within a Member State should be considered to be upstream pipeline networks. Pipelines connecting an oil or gas production project in a Member State to a processing plant or to a final coastal landing terminal within a third country should not be considered to be upstream pipeline networks for the purpose of this Directive, since such pipelines are unlikely to have a significant impact on the internal energy market.	(83) Pipelines connecting a third-country oil or gas production project to a processing plant or to a final coastal landing terminal within a Member State should be considered to be upstream pipeline networks. Pipelines connecting an oil or gas production project in a Member State to a processing plant or to a final coastal landing terminal within a third country should not be considered to be upstream pipeline networks for the purpose of this Directive, since such pipelines are unlikely to have a significant impact on the internal energy market. Text Origin: Commission Proposal
Recital 84				
94	(84) Transmission system operators should be free to conclude technical agreements with transmission system operators or other entities in third countries on issues concerning the operation	(84) Transmission system operators should be free to conclude technical agreements with transmission system operators or other entities in third countries on issues concerning the operation	(84) Transmission system operators should be free to conclude technical agreements with transmission system operators or other entities in third countries on issues concerning the operation	(84) Transmission system operators should be free to conclude technical agreements with transmission system operators or other entities in third countries on issues concerning the operation

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	and interconnection of transmission systems, provided that the content of such agreements is compatible with Union law.	and interconnection of transmission systems, provided that the content of such agreements is compatible with Union law.	and interconnection of transmission systems, provided that the content of such agreements is compatible with Union law.	and interconnection of transmission systems, provided that the content of such agreements is compatible with Union law. Text Origin: Commission Proposal
Recital 85				
95	(85) Technical agreements regarding the operation of transmission lines between transmission system operators or other entities should remain in force provided that they comply with Union law and the relevant decisions of the regulatory authority.	(85) Technical agreements regarding the operation of transmission lines between transmission system operators or other entities should remain in force provided that they comply with Union law and the relevant decisions of the regulatory authority.	(85) Technical agreements regarding the operation of transmission lines between transmission system operators or other entities should remain in force provided that they comply with Union law and the relevant decisions of the regulatory authority.	(85) Technical agreements regarding the operation of transmission lines between transmission system operators or other entities should remain in force provided that they comply with Union law and the relevant decisions of the regulatory authority. Text Origin: Commission Proposal
Recital 86				
96	(86) When such technical agreements are in place, the conclusion of an international agreement between a Member State and a third country or of an agreement between the Union and a third country regarding the operation of the gas transmission	(86) When such technical agreements are in place, the conclusion of an international agreement between a Member State and a third country or of an agreement between the Union and a third country regarding the operation of the gas transmission	(86) When such technical agreements are in place, the conclusion of an international agreement between a Member State and a third country or of an agreement between the Union and a third country regarding the operation of the gas transmission	(86) When such technical agreements are in place, the conclusion of an international agreement between a Member State and a third country or of an agreement between the Union and a third country regarding the operation of the gas transmission

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	line concerned is not required by this Directive.	line concerned is not required by this Directive.	line concerned is not required by this Directive.	line concerned is not required by this Directive. Text Origin: Commission Proposal
Recital 87				
97	(87) The applicability of this Directive to gas transmission lines to and from third countries should be confined to the territory of the Member States. As regards offshore gas transmission lines, this Directive should be applicable in the territorial sea of the Member State where the first interconnection point with the Member States' network is located.	(87) The applicability of this Directive to gas transmission lines to and from third countries should be confined to the territory of the Member States. As regards offshore gas transmission lines, this Directive should be applicable in the territorial sea of the Member State where the first interconnection point with the Member States' network is located.	(87) The applicability of this Directive to gas transmission lines to and from third countries should be confined to the territory of the Member States. As regards offshore gas transmission lines, this Directive should be applicable in the territorial sea of the Member State where the first interconnection point with the Member States' network is located.	(87) The applicability of this Directive to gas transmission lines to and from third countries should be confined to the territory of the Member States. As regards offshore gas transmission lines, this Directive should be applicable in the territorial sea of the Member State where the first interconnection point with the Member States' network is located. Text Origin: Commission Proposal
Recital 88				
98	(88) It should be possible for existing agreements concluded between a Member State and a third country on the operation of transmission lines to remain in force, in accordance with this Directive.	(88) It should be possible for existing agreements concluded between a Member State and a third country on the operation of transmission lines to remain in force, in accordance with this Directive.	(88) It should be possible for existing agreements concluded between a Member State and a third country on the operation of transmission lines to remain in force, in accordance with this Directive.	(88) It should be possible for existing agreements concluded between a Member State and a third country on the operation of transmission lines to remain in force, in accordance with this Directive.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Recital 89				
99	(89) With regard to agreements or parts of agreements with third countries which may affect common rules of the Union, a coherent and transparent procedure should be established by which to authorise a Member State, upon its request, to amend, extend, adapt, renew or conclude an agreement with a third country on the operation of a transmission line or an upstream pipeline network between the Member State and a third country. The procedure should not delay the implementation of this Directive, should be without prejudice to the allocation of competence between the Union and the Member States, and should apply to existing and new agreements.	(89) With regard to agreements or parts of agreements with third countries which may affect common rules of the Union, a coherent and transparent procedure should be established by which to authorise a Member State, upon its request, to amend, extend, adapt, renew or conclude an agreement with a third country on the operation of a transmission line or an upstream pipeline network between the Member State and a third country. The procedure should not delay the implementation of this Directive, should be without prejudice to the allocation of competence between the Union and the Member States, and should apply to existing and new agreements.	(89) With regard to agreements or parts of agreements with third countries which may affect common rules of the Union, a coherent and transparent procedure should be established by which to authorise a Member State, upon its request, to amend, extend, adapt, renew or conclude an agreement with a third country on the operation of a transmission line or an upstream pipeline network between the Member State and a third country. The procedure should not delay the implementation of this Directive, should be without prejudice to the allocation of competence between the Union and the Member States, and should apply to existing and new agreements.	(89) With regard to agreements or parts of agreements with third countries which may affect common rules of the Union, a coherent and transparent procedure should be established by which to authorise a Member State, upon its request, to amend, extend, adapt, renew or conclude an agreement with a third country on the operation of a transmission line or an upstream pipeline network between the Member State and a third country. The procedure should not delay the implementation of this Directive, should be without prejudice to the allocation of competence between the Union and the Member States, and should apply to existing and new agreements. Text Origin: Commission Proposal
Recital 90				
100	(90) Where it is apparent that the	(90) Where it is apparent that the	(90) Where it is apparent that the	(90) Where it is apparent that the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	subject matter of an agreement falls partly within the competence of the Union and partly within that of a Member State, it is essential to ensure close cooperation between that Member State and the Union institutions.	subject matter of an agreement falls partly within the competence of the Union and partly within that of a Member State, it is essential to ensure close cooperation between that Member State and the Union institutions.	subject matter of an agreement falls partly within the competence of the Union and partly within that of a Member State, it is essential to ensure close cooperation between that Member State and the Union institutions.	subject matter of an agreement falls partly within the competence of the Union and partly within that of a Member State, it is essential to ensure close cooperation between that Member State and the Union institutions. Text Origin: Commission Proposal
Recital 93				
103	(93) Further measures should be taken in order to ensure transparent and non-discriminatory tariffs for access to transport. Those tariffs should be applicable to all users on a non-discriminatory basis. Where a storage facility, linepack or ancillary service operates in a sufficiently competitive market, access could be allowed on the basis of transparent and non-discriminatory market-based mechanisms.	(93) Further measures should be taken in order to ensure transparent and non-discriminatory tariffs for access to transport. Those tariffs should be applicable to all users on a non-discriminatory basis. Where a storage facility, linepack or ancillary service operates in a sufficiently competitive market, access could be allowed on the basis of transparent and non-discriminatory market-based mechanisms.	(93) Further measures should be taken in order to ensure transparent and non-discriminatory tariffs for access to transport. Those tariffs should be applicable to all users on a non-discriminatory basis. Where a storage facility, linepack or ancillary service operates in a sufficiently competitive market, access could be allowed on the basis of transparent and non-discriminatory market-based mechanisms.	(93) Further measures should be taken in order to ensure transparent and non-discriminatory tariffs for access to transport. Those tariffs should be applicable to all users on a non-discriminatory basis. Where a storage facility, linepack or ancillary service operates in a sufficiently competitive market, access could be allowed on the basis of transparent and non-discriminatory market-based mechanisms. Text Origin: Commission Proposal
Recital 94				
104	(94) It is necessary to ensure the	(94) It is necessary to ensure the	(94) It is necessary to ensure the	(94) It is necessary to ensure the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	independence of storage system operators in order to improve third-party access to storage facilities that are technically or economically necessary for providing efficient access to the system for the supply of customers. It is therefore appropriate that storage facilities are operated through legally separate entities that have effective decision-making rights with respect to assets necessary to maintain, operate and develop storage facilities. It is also necessary to increase transparency in respect of the storage capacity that is offered to third parties, by obliging Member States to define and publish a non-discriminatory, clear framework that determines the appropriate regulatory regime applicable to storage facilities. That obligation should not require a new decision on access regimes but should improve the transparency regarding the access regime to storage. Confidentiality requirements for commercially sensitive information are particularly important where data of a strategic nature are concerned or where there is only a single user of a storage facility.	independence of storage system operators in order to improve third-party access to storage facilities that are technically or economically necessary for providing efficient access to the system for the supply of customers. It is therefore appropriate that storage facilities are operated through legally separate entities that have effective decision-making rights with respect to assets necessary to maintain, operate and develop storage facilities. It is also necessary to increase transparency in respect of the storage capacity that is offered to third parties, by obliging Member States to define and publish a non-discriminatory, clear framework that determines the appropriate regulatory regime applicable to storage facilities. That obligation should not require a new decision on access regimes but should improve the transparency regarding the access regime to storage. Confidentiality requirements for commercially sensitive information are particularly important where data of a strategic nature are concerned or where there is only a single user of a storage facility.	independence of storage system operators in order to improve third-party access to storage facilities that are technically or economically necessary for providing efficient access to the system for the supply of customers. It is therefore appropriate that storage facilities are operated through legally separate entities that have effective decision-making rights with respect to assets necessary to maintain, operate and develop storage facilities. It is also necessary to increase transparency in respect of the storage capacity that is offered to third parties, by obliging Member States to define and publish a non-discriminatory, clear framework that determines the appropriate regulatory regime applicable to storage facilities. That obligation should not require a new decision on access regimes but should improve the transparency regarding the access regime to storage. Confidentiality requirements for commercially sensitive information are particularly important where data of a strategic nature are concerned or where there is only a single user of a storage facility.	independence of storage system operators in order to improve third-party access to storage facilities that are technically or economically necessary for providing efficient access to the system for the supply of customers. It is therefore appropriate that storage facilities are operated through legally separate entities that have effective decision-making rights with respect to assets necessary to maintain, operate and develop storage facilities. It is also necessary to increase transparency in respect of the storage capacity that is offered to third parties, by obliging Member States to define and publish a non-discriminatory, clear framework that determines the appropriate regulatory regime applicable to storage facilities. That obligation should not require a new decision on access regimes but should improve the transparency regarding the access regime to storage. Confidentiality requirements for commercially sensitive information are particularly important where data of a strategic nature are concerned or where there is only a single user of a storage facility.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Recital 95				
105	(95) Non-discriminatory access to the distribution network determines downstream access to customers at retail level. The scope for discrimination as regards third party access and investment, however, is less significant at distribution level than at transmission level where congestion and the influence of production interests are generally greater than at distribution level. To lay down a level playing field at retail level, the activities of distribution system operators should be monitored so that they are prevented from taking advantage of their vertical integration as regards their competitive position on the market, in particular in relation to household and small non-household customers..	(95) Non-discriminatory access to the distribution network determines downstream access to customers at retail level. The scope for discrimination as regards third party access and investment, however, is less significant at distribution level than at transmission level where congestion and the influence of production interests are generally greater than at distribution level. To lay down a level playing field at retail level, the activities of distribution system operators should be monitored so that they are prevented from taking advantage of their vertical integration as regards their competitive position on the market, in particular in relation to household and small non-household customers. █	(95) Non-discriminatory access to the distribution network determines downstream access to customers at retail level. The scope for discrimination as regards third party access and investment, however, is less significant at distribution level than at transmission level where congestion and the influence of production interests are generally greater than at distribution level. To lay down a level playing field at retail level, the activities of distribution system operators should be monitored so that they are prevented from taking advantage of their vertical integration as regards their competitive position on the market, in particular in relation to household and small non-household customers.-	(95) Non-discriminatory access to the distribution network determines downstream access to customers at retail level. The scope for discrimination as regards third party access and investment, however, is less significant at distribution level than at transmission level where congestion and the influence of production interests are generally greater than at distribution level. To lay down a level playing field at retail level, the activities of distribution system operators should be monitored so that they are prevented from taking advantage of their vertical integration as regards their competitive position on the market, in particular in relation to household and small non-household customers.. Text Origin: Commission Proposal
Recital 98				

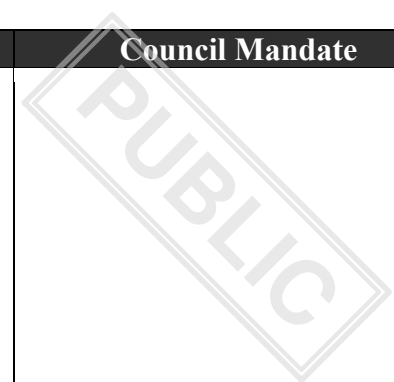
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
108	(98) To avoid imposing a disproportionate financial and administrative burden on small distribution system operators, Member States should be able, where necessary, to exempt the undertakings concerned from the legal unbundling requirements.	(98) To avoid imposing a disproportionate financial and administrative burden on small distribution system operators, Member States should be able, where necessary, to exempt the undertakings concerned from the legal unbundling requirements.	(98) To avoid imposing a disproportionate financial and administrative burden on small distribution system operators, Member States should be able, where necessary, to exempt the undertakings concerned from the legal unbundling requirements.	(98) To avoid imposing a disproportionate financial and administrative burden on small distribution system operators, Member States should be able, where necessary, to exempt the undertakings concerned from the legal unbundling requirements. Text Origin: Commission Proposal
Recital 99				
109	(99) Where a closed distribution system is used to ensure the optimal efficiency of an integrated energy supply requiring specific operational standards, or a closed distribution system is maintained primarily for the use of the owner of the system, it should be possible to exempt the distribution system operator from obligations which would constitute an unnecessary administrative burden because of the particular nature of the relationship between the distribution system operator and the users of the system. Industrial, commercial or shared services sites such as train station buildings,	(99) Where a closed distribution system is used to ensure the optimal efficiency of an integrated energy supply requiring specific operational standards, or a closed distribution system is maintained primarily for the use of the owner of the system, it should be possible to exempt the distribution system operator from obligations which would constitute an unnecessary administrative burden because of the particular nature of the relationship between the distribution system operator and the users of the system. Industrial, commercial or shared services sites such as train station buildings,	(99) Where a closed distribution system is used to ensure the optimal efficiency of an integrated energy supply requiring specific operational standards, or a closed distribution system is maintained primarily for the use of the owner of the system, it should be possible to exempt the distribution system operator from obligations which would constitute an unnecessary administrative burden because of the particular nature of the relationship between the distribution system operator and the users of the system. Industrial, commercial or shared services sites such as train station buildings,	(99) Where a closed distribution system is used to ensure the optimal efficiency of an integrated energy supply requiring specific operational standards, or a closed distribution system is maintained primarily for the use of the owner of the system, it should be possible to exempt the distribution system operator from obligations which would constitute an unnecessary administrative burden because of the particular nature of the relationship between the distribution system operator and the users of the system. Industrial, commercial or shared services sites such as train station buildings,

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	airports, hospitals, large camping sites with integrated facilities or chemical industry sites could include closed distribution systems because of the specialised nature of their operations.	airports, hospitals, large camping sites with integrated facilities or chemical industry sites could include closed distribution systems because of the specialised nature of their operations.	airports, hospitals, large camping sites with integrated facilities or chemical industry sites could include closed distribution systems because of the specialised nature of their operations.	airports, hospitals, large camping sites with integrated facilities or chemical industry sites could include closed distribution systems because of the specialised nature of their operations. Text Origin: Commission Proposal
Recital 102				
112	(102) In order to ensure effective market access for all market players, including new entrants, non-discriminatory and cost-reflective balancing mechanisms are necessary. This should be achieved through the setting up of transparent market-based mechanisms for the supply and purchase of gas, needed in the framework of balancing requirements. Regulatory authorities should play an active role to ensure that balancing prices are non-discriminatory and cost-reflective. At the same time, appropriate incentives should be provided to balance the in-put and off-take of gas and not to endanger the system.	(102) In order to ensure effective market access for all market players, including new entrants, non-discriminatory and cost-reflective balancing mechanisms are necessary. This should be achieved through the setting up of transparent market-based mechanisms for the supply and purchase of gas, needed in the framework of balancing requirements. Regulatory authorities should play an active role to ensure that balancing prices are non-discriminatory and cost-reflective. At the same time, appropriate incentives should be provided to balance the in-put and off-take of gas and not to endanger the system.	(102) In order to ensure effective market access for all market players, including new entrants, non-discriminatory and cost-reflective balancing mechanisms are necessary. This should be achieved through the setting up of transparent market-based mechanisms for the supply and purchase of gas, needed in the framework of balancing requirements. Regulatory authorities should play an active role to ensure that balancing prices are non-discriminatory and cost-reflective. At the same time, appropriate incentives should be provided to balance the in-put and off-take of gas and not to endanger the system.	(102) In order to ensure effective market access for all market players, including new entrants, non-discriminatory and cost-reflective balancing mechanisms are necessary. This should be achieved through the setting up of transparent market-based mechanisms for the supply and purchase of gas, needed in the framework of balancing requirements. Regulatory authorities should play an active role to ensure that balancing prices are non-discriminatory and cost-reflective. At the same time, appropriate incentives should be provided to balance the in-put and off-take of gas and not to endanger the system.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Recital 103				
113	(103) Regulatory authorities should be able to fix or approve tariffs, or the methodologies underlying the calculation of the tariffs, on the basis of a proposal by the transmission system operator or distribution system operator(s) or liquefied natural gas (LNG) system operator, or on the basis of a proposal agreed between those operators and the users of the network. In carrying out those tasks, regulatory authorities should ensure that transmission and distribution tariffs are non-discriminatory and cost-reflective, and should take account of the long-term, marginal, avoided network costs from demand-side management measures.	(103) Regulatory authorities should be able to fix or approve tariffs, or the methodologies underlying the calculation of the tariffs, on the basis of a proposal by the transmission system operator or distribution system operator(s) or liquefied natural gas (LNG) system operator, or on the basis of a proposal agreed between those operators and the users of the network. In carrying out those tasks, regulatory authorities should ensure that transmission and distribution tariffs are non-discriminatory and cost-reflective, and should take account of the long-term, marginal, avoided network costs from demand-side management measures.	(103) Regulatory authorities should be able to fix or approve tariffs, or the methodologies underlying the calculation of the tariffs, on the basis of a proposal by the transmission system operator or distribution system operator(s) or liquefied natural gas (LNG) system operator, or on the basis of a proposal agreed between those operators and the users of the network. In carrying out those tasks, regulatory authorities should ensure that transmission and distribution tariffs are non-discriminatory and cost-reflective, and should take account of the long-term, marginal, avoided network costs from demand-side management measures.	(103) Regulatory authorities should be able to fix or approve tariffs, or the methodologies underlying the calculation of the tariffs, on the basis of a proposal by the transmission system operator or distribution system operator(s) or liquefied natural gas (LNG) system operator, or on the basis of a proposal agreed between those operators and the users of the network. In carrying out those tasks, regulatory authorities should ensure that transmission and distribution tariffs are non-discriminatory and cost-reflective, and should take account of the long-term, marginal, avoided network costs from demand-side management measures. Text Origin: Commission Proposal
Recital 106				
116	(106) Energy regulators should also be granted the powers to	(106) Energy regulators should also be granted the powers to	(106) Energy regulators should also be granted the powers to	(106) Energy regulators should also be granted the powers to

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	contribute to ensuring high standards of public service in compliance with market opening, to the protection of vulnerable customers, and to the full effectiveness of consumer protection measures. Those provisions should be without prejudice to both the Commission's powers concerning the application of competition rules including the examination of mergers with a Union dimension, and the rules on the internal market such as the free movement of capital. The independent body to which a party affected by the decision of a regulatory authority has a right to appeal could be a court or other tribunal empowered to conduct a judicial review.	contribute to ensuring high standards of public service in compliance with market opening, to the protection of vulnerable customers, and to the full effectiveness of consumer protection measures. Those provisions should be without prejudice to both the Commission's powers concerning the application of competition rules including the examination of mergers with a Union dimension, and the rules on the internal market such as the free movement of capital. The independent body to which a party affected by the decision of a regulatory authority has a right to appeal could be a court or other tribunal empowered to conduct a judicial review.	contribute to ensuring high standards of public service in compliance with market opening, to the protection of vulnerable customers, and to the full effectiveness of consumer protection measures. Those provisions should be without prejudice to both the Commission's powers concerning the application of competition rules including the examination of mergers with a Union dimension, and the rules on the internal market such as the free movement of capital. The independent body to which a party affected by the decision of a regulatory authority has a right to appeal could be a court or other tribunal empowered to conduct a judicial review.	contribute to ensuring high standards of public service in compliance with market opening, to the protection of vulnerable customers, and to the full effectiveness of consumer protection measures. Those provisions should be without prejudice to both the Commission's powers concerning the application of competition rules including the examination of mergers with a Union dimension, and the rules on the internal market such as the free movement of capital. The independent body to which a party affected by the decision of a regulatory authority has a right to appeal could be a court or other tribunal empowered to conduct a judicial review. Text Origin: Commission Proposal
Recital 107				
117	(107) Any harmonisation of the powers of regulatory authorities should include the powers to provide incentives to undertakings and to impose effective, proportionate and dissuasive	(107) Any harmonisation of the powers of regulatory authorities should include the powers to provide incentives to undertakings and to impose effective, proportionate and dissuasive	(107) Any harmonisation of the powers of regulatory authorities should include the powers to provide incentives to undertakings and to impose effective, proportionate and dissuasive	(107) Any harmonisation of the powers of regulatory authorities should include the powers to provide incentives to undertakings and to impose effective, proportionate and dissuasive

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	penalties on undertakings or to propose that a competent court impose such penalties. Moreover, regulatory authorities should have the power to request relevant information from undertakings, make appropriate and sufficient investigations and settle disputes.	penalties on undertakings or to propose that a competent court impose such penalties. Moreover, regulatory authorities should have the power to request relevant information from undertakings, make appropriate and sufficient investigations and settle disputes.	penalties on undertakings or to propose that a competent court impose such penalties. Moreover, regulatory authorities should have the power to request relevant information from undertakings, make appropriate and sufficient investigations and settle disputes.	penalties on undertakings or to propose that a competent court impose such penalties. Moreover, regulatory authorities should have the power to request relevant information from undertakings, make appropriate and sufficient investigations and settle disputes. Text Origin: Commission Proposal
Recital 109				
119	(109) Transmission system operators play an important role in ensuring cost effective investments in gas networks. For an optimised planning across energy carriers and to bridge the gap between the diverse national and EU-wide network planning approaches, additional requirements for consistent planning are introduced. The network planning should also take account of the increased interlinkages between natural gas and electricity, as well as hydrogen.	(109) Transmission system operators and hydrogen transmission network operators play an important role in ensuring cost effective investments in gas networks that contribute to the achievement of the Union's climate and energy targets . For an optimised planning across energy carriers and to bridge the gap between the diverse national and Union-wide network planning approaches, additional requirements for consistent planning are introduced. The network planning should also take account of the increased interlinkages between natural gas and electricity, as well as hydrogen	(109) Transmission system operators play an important role in ensuring cost effective investments in gas networks. For an optimised planning across energy carriers and to bridge the gap between the diverse national and EU-wide network planning approaches, additional requirements for consistent planning are introduced. The network planning should also take account of the increased interlinkages between natural gas and electricity, as well as hydrogen.	(109) Transmission system operators play an important role in ensuring cost effective investments in gas networks. For an optimised planning across energy carriers and to bridge the gap between the diverse national and EU-wide network planning approaches, additional requirements for consistent planning are introduced. The network planning should also take account of the increased interlinkages between natural gas and electricity, as well as hydrogen. <u>Apart from power to gas assets, interlinkages between hydrogen and electricity may include as well</u>



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		<i>and district heating. To ensure a cost effective infrastructure rollout and to avoid stranded assets, the transmission system operators of gas and electricity and the hydrogen transmission network operators should develop a joint network development plan combining natural gas, hydrogen and electricity. The network planning should be transparent and allow the relevant stakeholders to participate. To that effect, the operators as well as the regulatory authorities should be required to conduct an extensive stakeholder consultation. The European Scientific Advisory Board on Climate Change, established under Regulation (EU) 2021/1119 should be able give its opinion on the draft network development plan. The network development plan should promote energy system integration and prioritise hydrogen to end-users in hard-to-decarbonise sectors where no more energy and cost efficient alternatives are available.</i>		<u>as hydrogen power plants.</u> Email 10.11.2023 provisionally agreed Text Origin: Commission Proposal
	Recital 109a			
G	119a			G

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				<u>(109a) By co-location, hydrogen production and consumption should take place in the same location or be located as close as possible, thus ensuring stable hydrogen quality as per end-use and minimizing costs, environmental impact as well as hydrogen leaks related to the transport. Hydrogen network operators should cooperate with connected and neighbouring hydrogen network operators to ensure the most efficient connection possible.</u> Email 10.11.2023 provisionally agreed
Recital 113				
123	(113) Providing information on infrastructure that can be decommissioned within the network development plan may mean either leaving the infrastructure unused, dismantling it or using it for other purposes, such as hydrogen transport. The objective of this increased transparency on infrastructure takes into account that repurposed infrastructure is comparatively cheaper than newly built	(113) Providing information on infrastructure that can be decommissioned or repurposed within the network development plan may mean either leaving the infrastructure unused, dismantling it or using it for other purposes, such as hydrogen transport. The objective of this increased transparency on infrastructure takes into account that repurposed infrastructure is comparatively cheaper than newly built	(113) Providing information on infrastructure that can be decommissioned within the network development plan may mean either leaving the infrastructure unused, dismantling it or using it for other purposes, such as hydrogen transport. The objective of this increased transparency on infrastructure takes into account that repurposed infrastructure is comparatively cheaper than newly built	(113) Providing information on infrastructure that can be decommissioned within the network development plan may mean ~~either leaving~~ permanently taking out of the service the infrastructure by either leaving it unused, dismantling it or making it available for using it for other purposes, such as hydrogen transport. The objective of this increased transparency on infrastructure takes into account

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	infrastructure and hence should enable a cost effective transition.	infrastructure and hence should enable a cost effective transition. <i>Therefore, a joint network development plan for natural gas, hydrogen and electricity should support synergies and thereby lead the way to a faster and more cost-efficient development of the hydrogen infrastructure.</i>	infrastructure and hence should enable a cost effective transition.	that repurposed infrastructure is comparatively cheaper than newly built infrastructure and hence should enable a cost effective transition. Email 10.11.2023 provisionally agreed
Recital 116				
126	(116) Instead of providing a national network development plan on individual Member State level, Member States should be allowed to choose to draw up a network development plan on regional level including more than one Member State and in line with voluntary regional gas market integration.	(116) Instead of providing a national network development plan on individual Member State level, Member States should be allowed to choose to draw up a network development plan on regional level including more than one Member State and in line with voluntary regional gas market integration.	(116) Instead of providing a national network development plan on individual Member State level, Member States should be allowed to choose to draw up a network development plan on regional level including more than one Member State and in line with voluntary regional gas market integration.	(116) Instead of providing a national network development plan on individual Member State level, Member States should be allowed to choose to draw up a network development plan on regional level including more than one Member State and in line with voluntary regional gas market integration. Text Origin: Commission Proposal
Recital 123				
133	(123) Member States or, where a Member State has so provided, the regulatory authority, should encourage the development of interruptible supply contracts.	(123) Member States or, where a Member State has so provided, the regulatory authority, should encourage the development of interruptible supply contracts.	(123) Member States or, where a Member State has so provided, the regulatory authority, should encourage the development of interruptible supply contracts.	(123) Member States or, where a Member State has so provided, the regulatory authority, should encourage the development of interruptible supply contracts.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Recital 128				
138	(128) It should be possible for measures implemented by Member States to achieve the objectives of social and economic cohesion to include, in particular, the provision of adequate economic incentives, using, where appropriate, all existing national and Union tools. It should be possible for such tools to include liability mechanisms to guarantee the necessary investment.	(128) It should be possible for measures implemented by Member States to achieve the objectives of social and economic cohesion to include, in particular, the provision of adequate economic incentives, using, where appropriate, all existing national and Union tools. It should be possible for such tools to include liability mechanisms to guarantee the necessary investment.	(128) It should be possible for measures implemented by Member States to achieve the objectives of social and economic cohesion to include, in particular, the provision of adequate economic incentives, using, where appropriate, all existing national and Union tools. It should be possible for such tools to include liability mechanisms to guarantee the necessary investment.	(128) It should be possible for measures implemented by Member States to achieve the objectives of social and economic cohesion to include, in particular, the provision of adequate economic incentives, using, where appropriate, all existing national and Union tools. It should be possible for such tools to include liability mechanisms to guarantee the necessary investment. Text Origin: Commission Proposal
Recital 130				
140	(130) Market prices should give the right incentives for the development of the network.	(130) Market prices should give the right incentives for the development of the network.	(130) Market prices should give the right incentives for the development of the network.	(130) Market prices should give the right incentives for the development of the network. Text Origin: Commission Proposal
Recital 133				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
143	(133) With a view to creating an internal market in natural gas, Member States should foster the integration of their national markets and the cooperation of system operators at Union and regional level, also incorporating the isolated systems forming gas islands that persist in the Union.	(133) With a view to creating an internal market in natural gas, Member States should foster the integration of their national markets and the cooperation of system operators at Union and regional level, also incorporating the isolated systems forming gas islands that persist in the Union.	(133) With a view to creating an internal market in natural gas, Member States should foster the integration of their national markets and the cooperation of system operators at Union and regional level, also incorporating the isolated systems forming gas islands that persist in the Union.	(133) With a view to creating an internal market in natural gas, Member States should foster the integration of their national markets and the cooperation of system operators at Union and regional level, also incorporating the isolated systems forming gas islands that persist in the Union. Text Origin: Commission Proposal
Recital 135				
145	(135) The development of a true internal market in natural gas, through a network connected across the Union, should be one of the main goals of this Directive and regulatory issues on cross border interconnections and regional markets should, therefore, be one of the main tasks of the regulatory authorities, in close cooperation with ACER where relevant.	(135) The development of a true internal market in natural gas, through a network connected across the Union, should be one of the main goals of this Directive and regulatory issues on cross border interconnections and regional markets should, therefore, be one of the main tasks of the regulatory authorities, in close cooperation with ACER where relevant.	(135) The development of a true internal market in natural gas, through a network connected across the Union, should be one of the main goals of this Directive and regulatory issues on cross border interconnections and regional markets should, therefore, be one of the main tasks of the regulatory authorities, in close cooperation with ACER where relevant.	(135) The development of a true internal market in natural gas, through a network connected across the Union, should be one of the main goals of this Directive and regulatory issues on cross border interconnections and regional markets should, therefore, be one of the main tasks of the regulatory authorities, in close cooperation with ACER where relevant. Text Origin: Commission Proposal
Recital 136				
146				

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	(136) Securing common rules for a true internal market and a broad supply of gas should also be one of the main goals of this Directive. To that end, undistorted market prices would provide an incentive for cross-border trade while leading, to price convergence.	(136) Securing common rules for a true internal market and a broad supply of gas should also be one of the main goals of this Directive. To that end, undistorted market prices would provide an incentive for cross-border trade while leading, to price convergence.	(136) Securing common rules for a true internal market and a broad supply of gas should also be one of the main goals of this Directive. To that end, undistorted market prices would provide an incentive for cross-border trade while leading, to price convergence.	(136) Securing common rules for a true internal market and a broad supply of gas should also be one of the main goals of this Directive. To that end, undistorted market prices would provide an incentive for cross-border trade while leading, to price convergence. Text Origin: Commission Proposal
Recital 140				
150	(140) In particular, the Commission should be empowered to adopt the guidelines necessary for providing the minimum degree of harmonisation required to achieve the aim of this Directive.	(140) In particular, the Commission should be empowered to adopt the guidelines necessary for providing the minimum degree of harmonisation required to achieve the aim of this Directive.	(140) In particular, the Commission should be empowered to adopt the guidelines necessary for providing the minimum degree of harmonisation required to achieve the aim of this Directive.	(140) In particular, the Commission should be empowered to adopt the guidelines necessary for providing the minimum degree of harmonisation required to achieve the aim of this Directive. Text Origin: Commission Proposal
Recital 141				
151	(141) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents, Member States have undertaken to accompany, in justified cases, the	(141) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents, Member States have undertaken to accompany, in justified cases, the	(141) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents, Member States have undertaken to accompany, in justified cases, the	(141) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents, Member States have undertaken to accompany, in justified cases, the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified, in particular following the judgment of the European Court of Justice in Case Commission vs Belgium (case C-543/17).	notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified, in particular following the judgment of the European Court of Justice in Case Commission vs Belgium (case C-543/17).	notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified, in particular following the judgment of the European Court of Justice in Case Commission vs Belgium (case C-543/17).	notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified, in particular following the judgment of the European Court of Justice in Case Commission vs Belgium (case C-543/17). Text Origin: Commission Proposal
Recital 144				
154	(144) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission to determine interoperability requirements and non-discriminatory and transparent procedures for access to data. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.	(144) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission to determine interoperability requirements and non-discriminatory and transparent procedures for access to data. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.	(144) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission to determine interoperability requirements and non-discriminatory and transparent procedures for access to data. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.	(144) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission to determine interoperability requirements and non-discriminatory and transparent procedures for access to data. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

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				Text Origin: Commission Proposal
Recital 145				
155	(145) The obligation to transpose this Directive into national law should be confined to those provisions which represent a substantive amendment as compared to the earlier Directive. The obligation to transpose the provisions which are unchanged arises under the earlier Directive.	(145) The obligation to transpose this Directive into national law should be confined to those provisions which represent a substantive amendment as compared to the earlier Directive. The obligation to transpose the provisions which are unchanged arises under the earlier Directive.	(145) The obligation to transpose this Directive into national law should be confined to those provisions which represent a substantive amendment as compared to the earlier Directive. The obligation to transpose the provisions which are unchanged arises under the earlier Directive.	(145) The obligation to transpose this Directive into national law should be confined to those provisions which represent a substantive amendment as compared to the earlier Directive. The obligation to transpose the provisions which are unchanged arises under the earlier Directive. Text Origin: Commission Proposal
Formula				
158	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE: Text Origin: Commission Proposal
Chapter I				
159	Chapter I Subject matter, scope and definitions	Chapter I Subject matter, scope and definitions	Chapter I Subject matter, scope and definitions	Chapter I Subject matter, scope and definitions Text Origin: Commission

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				Proposal
Article 1				
160	Article 1 Subject matter and scope	Article 1 Subject matter and scope	Article 1 Subject matter and scope	Article 1 Subject matter and scope Text Origin: Commission Proposal
Article 1(-1)				
160a		<i>-1. This Directive establishes a common framework for the decarbonisation of the gas market. To that end, it promotes the energy efficiency first principle, the integration of renewable gas and further energy system integration, contributes to the prudent and rational use of natural resources and to the achievement of the Union's climate and energy targets, and provides for fair attributions of costs and benefits as well as for a clear identification of responsibilities among market participants.</i>		<u><i>-1. This Directive establishes a common framework for the decarbonisation of the markets for gas, in order to contribute to the achievement of the Union's climate and energy targets.</i></u> Provisional agreement - technical meeting 01.09.2023
Article 1(1)				

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161	1. This Directive establishes common rules for the transmission, distribution, supply and storage of gases within the meaning of Article 2, point (2) using the natural gas system defined in point (3) of that Article. It lays down the rules relating to the organisation and functioning of that sector, access to the market, the criteria and procedures applicable to the granting of authorisations for transmission, distribution, supply and storage of gases using the natural gas system and the operation of systems.	1. This Directive establishes common rules for the transmission, distribution, supply and storage of gas using the natural gas and hydrogen system, and consumer protection provisions, with a view to creating a truly integrated, competitive, consumer-centred, flexible, fair, transparent and non-discriminatory gas market in the Union . It lays down the rules relating to the organisation and functioning of those sectors , access to the market, the criteria and procedures applicable to the granting of authorisations for transmission, distribution, supply and storage of gas using the natural gas and hydrogen system and the operation of systems.	1. This Directive establishes common rules for the transmission, distribution, supply and storage of gases within the meaning of Article 2, point-(2) (3) using the natural gas system defined in point-(3) (4) of that Article . It lays down the rules relating to the organisation and functioning of that sector, access to the market, the criteria and procedures applicable to the granting of authorisations for transmission, distribution, supply and storage of gases using the natural gas system and the operation of systems.	1. <u>1.</u> This Directive establishes common rules for the transmission, distribution, supply and storage of gases within the meaning of Article 2, point ~~(2)~~ (3) using the natural gas system defined in point ~~(3)~~ (4) of that Article, <u>and consumer protection provisions, with a view to creating an integrated, competitive and transparent gas market in the Union</u> . It lays down the rules relating to the organisation and functioning of that sector, access to the market, the criteria and procedures applicable to the granting of authorisations for transmission, distribution, supply and storage of gases using the natural gas system and the operation of systems- Provisional agreement - technical meeting 01.09.2023
Article 1(2)				
162	2. This Directive establishes rules for the transport, supply and storage of natural gas and the transition of the natural gas system to a system based on renewable and low-carbon gases.	2. This Directive establishes rules for the transport, supply and storage of natural gas and the transition, including decommissioning and repurposing , of the natural gas	2. This Directive establishes rules for the transport, supply and storage of natural gas and the transition of the natural gas system to a system based on renewable and low-carbon gases.	2. This Directive establishes rules for the transport, supply and storage of natural gas and the transition of the natural gas system ~~to a~~ <u>towards an integrated and highly efficient</u> system based on

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		system <i>towards an integrated highly efficient</i> system based on renewable <i>gas</i> and low-carbon <i>gas where no more energy or cost efficient alternatives are available.</i>		renewable <i>gas</i> and low-carbon <i>gases: gas</i> Provisional agreement - technical meeting 01.09.2023
Article 1(3)				
163	3. This Directive establishes common rules for the transport, supply and storage of hydrogen using the hydrogen system. It lays down the rules relating to the organisation and functioning of this sector, access to the market, the criteria and procedures applicable to the granting of authorisations for networks, supply and storage of hydrogen and the operation of systems.	3. This Directive establishes common rules for the transport, supply and storage of hydrogen using the hydrogen system. It lays down the rules relating to the organisation and functioning of this sector, access to the market, the criteria and procedures applicable to the granting of authorisations for networks, supply and storage of hydrogen and the operation of systems.	3. This Directive establishes common rules for the transport, supply and storage of hydrogen using the hydrogen system. It lays down the rules relating to the organisation and functioning of this sector, access to the market, the criteria and procedures applicable to the granting of authorisations for networks, supply and storage of hydrogen and the operation of systems.	3. This Directive establishes common rules for the transport, supply and storage of hydrogen using the hydrogen system. It lays down the rules relating to the organisation and functioning of this sector, access to the market, the criteria and procedures applicable to the granting of authorisations for networks, supply and storage of hydrogen and the operation of systems. Text Origin: Commission Proposal
Article 1(4)				
164	4. This Directive establishes rules for the progressive establishment of a Union-wide interconnected hydrogen system contributing to the reduction of net greenhouse gas emissions of difficult to	4. This Directive establishes rules for the progressive establishment of a Union-wide interconnected hydrogen system contributing to the <i>long-term flexibility of the electricity system and to the</i>	4. This Directive establishes rules for the progressive establishment of a Union-wide interconnected hydrogen system contributing to the reduction of net greenhouse gas emissions of, including within	4. This Directive establishes rules for the progressive establishment of a Union-wide interconnected hydrogen system contributing to the <i>long-term flexibility of the electricity system and to the</i>

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	decarbonise sectors and thereby supporting to the decarbonisation of the EU energy system.	reduction of net greenhouse gas emissions of difficult to decarbonise sectors <i>where no more energy or cost efficient alternatives are available with the highest greenhouse gas abatement potential per tonne of hydrogen used</i> and thereby supporting to the decarbonisation of the Union energy system.	difficult to decarbonise sectors, and thereby supporting to the decarbonisation of the EU energy system.	reduction of net greenhouse gas emissions of difficult to decarbonise sectors <u>taking into account the greenhouse gas abatement potential and the energy and cost-efficiency in relation to other options</u> and thereby supporting to the decarbonisation of the ~~EU~~ <u>Union</u> energy system. 16.11.2023 Provisionally agreed
	Article 2			
165	Article 2 Definitions	Article 2 Definitions	Article 2 Definitions	Article 2 Definitions Text Origin: Commission Proposal
	Article 2, first paragraph			
166	For the purposes of this Directive, the following definitions apply:	For the purposes of this Directive, the following definitions apply:	For the purposes of this Directive, the following definitions apply:	For the purposes of this Directive, the following definitions apply: Text Origin: Commission Proposal
	Article 2, first paragraph, point (1)			
167	(1) ‘natural gas’ means all gases	(1) ‘natural gas’ means gas that	(1) ‘natural gas’ means all gases	(1) ‘natural gas’ means all gases

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	that primarily consist of methane, including biogas and gas from biomass, in particular biomethane, or other types of gas, that can technically and safely be injected into, and transported through, the natural gas system;	primarily consist of methane, including biogas, <i>as defined in Article 2, point (28), of Directive (EU) 2018/2001 that has been upgraded to</i> biomethane, or other types of gas, that can <i>be</i> technically and safely injected into, and transported through, the natural gas system;	that primarily consist of methane, including ~~biogas and gas from biomass, in particular~~ biomethane, or other types of gas, that can technically and safely be injected into, and transported through, the natural gas system;	that primarily consist of methane, including ~~biogas and gas from biomass, in particular~~ biomethane, or other types of gas, that can technically and safely be injected into, and transported through, the natural gas system; 16.11.2023 Provisionally agreed Text Origin: Council Mandate
Article 2, first paragraph, point (2)				
168	(2) ‘renewable gas’ means biogas as defined in Article 2, point (28) of Directive (EU) 2018/2001, including biomethane, and renewable gaseous fuels part of fuels of non-biological origins (‘RFNBOs’) as defined in Article 2, point (36) of that Directive;	(2) ‘renewable gas’ means biogas as defined in Article 2, point (28), of Directive (EU) 2018/2001, including <i>biogas that has been upgraded to</i> biomethane, and renewable gaseous fuels part of fuels of non-biological origins (‘ <i>RFNBO</i> ’) as defined in Article 2, point (36), of that Directive;	(2) ‘renewable gas’ means biogas as defined in Article 2, point (28) of Directive (EU) 2018/2001, including biomethane, and renewable gaseous fuels part of fuels of non-biological origins (‘RFNBOs’) as defined in Article 2, point (36) of that Directive;	(2) ‘renewable gas’ means biogas as defined in Article 2, point (28), of Directive (EU) 2018/2001, including <i>biogas that has been upgraded to</i> biomethane, and renewable gaseous fuels part of fuels of non-biological origins (‘ ~~RFNBOs~~ <i>RFNBO</i> ’) as defined in Article 2, point (36), of that Directive; 16.11.2023 Provisionally agreed Text Origin: EP Mandate
Article 2, first paragraph, point (4)				
170	(4) ‘natural gas system’ means a	(4) ‘natural gas system’ means a	(4) ‘natural gas system’ means a	(4) ‘natural gas system’ means a

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	system of infrastructures, including pipelines, LNG terminals and storage facilities, which transports gases, that primarily consist of methane and include biogas and gas from biomass, in particular biomethane, or other types of gas that can technically and safely be injected into, and transported through the natural gas pipeline system;	system of infrastructures, including pipelines, LNG terminals and storage facilities, which transports gas , that primarily consist of methane and include biogas and gas from biomass, in particular biomethane, or other types of gas that can technically and safely be injected into, and transported through the natural gas pipeline system;	system of infrastructures, including pipelines, LNG terminals and storage facilities, which transports gases, that primarily consist of methane and include biogas and gas from biomass, in particular biomethane, or other types of gas that can technically and safely be injected into, and transported through the natural gas pipeline system;	system of infrastructures, including pipelines, LNG terminals and storage facilities, which transports gases, that primarily consist of methane and include ~~biogas and gas from biomass, in particular~~ biomethane, or other types of gas that can technically and safely be injected into, and transported through the natural gas pipeline system. 16.11.2023 Provisionally agreed Text Origin: Council Mandate
	Article 2, first paragraph, point (6)			
172	(6) ‘hydrogen storage facility’ means a facility used for the stocking of hydrogen of a high grade of purity:	(6) ‘hydrogen storage facility’ means a facility used for the stocking of hydrogen of a high grade of purity or ammonia, including:	(6) ‘hydrogen storage facility’ means a facility used for the stocking of hydrogen of a high grade of purity:	(6) ‘hydrogen storage facility’ means a facility used for the stocking of hydrogen of a high grade of purity: 16.11.2023 Provisionally agreed Text Origin: Commission Proposal
	Article 2, first paragraph, point (6)(a)			
173	(a) including the part of an hydrogen terminal used for storage but excluding the portion used for	(a) ■ the part of an hydrogen terminal used for storage, excluding the portion used for	(a) including the part of an hydrogen terminal used for storage, but excluding the portion used for	(a) including the part of an hydrogen terminal used for storage but excluding the portion used for

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	production operations, and facilities reserved exclusively for hydrogen network operators in carrying out their functions;	production operations, and facilities reserved exclusively for hydrogen network operators in carrying out their functions;	production operations; and facilities reserved exclusively for hydrogen network operators in carrying out their functions;	production operations; and facilities reserved exclusively for hydrogen network operators in carrying out their functions; Text Origin: Commission Proposal
Article 2, first paragraph, point (6)(b)				
174	(b) including large, in particular underground, hydrogen storage but excluding smaller, easily replicable hydrogen storage installations;	(b) ■ large, in particular underground, hydrogen storage, excluding smaller, easily replicable hydrogen storage installations;	(b) including large, in particular underground, hydrogen storage but excluding smaller, easily replicable hydrogen storage installations;	(b) including large, in particular underground, hydrogen storage but excluding smaller, easily replicable hydrogen storage installations; Text Origin: Commission Proposal
Article 2, first paragraph, point (6)(ba)				
174a		<i>(6a) ‘hydrogen storage operator’ means a natural or legal person who carries out the function of storage of hydrogen and is responsible for operating a hydrogen storage facility;</i>	(6a) ‘hydrogen storage operator’ means a natural or legal person who carries out the function of storage of hydrogen and is responsible for operating a hydrogen storage facility;	<u><i>(6a) ‘hydrogen storage operator’ means a natural or legal person who carries out the function of storage of hydrogen and is responsible for operating a hydrogen storage facility;</i></u> 16.11.2023 Provisionally agreed Text Origin: EP Mandate
Article 2, first paragraph, point (7)				

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175	(7) 'hydrogen linepack' means the storage of hydrogen of a high grade of purity by compression in hydrogen networks, excluding facilities reserved for hydrogen network operators carrying out their functions;	(7) 'hydrogen linepack' means the storage of hydrogen of a high grade of purity by compression in hydrogen networks, excluding facilities reserved for hydrogen network operators carrying out their functions;	(7) 'hydrogen linepack' means the storage of hydrogen of a high grade of purity by compression in hydrogen networks, excluding facilities reserved for hydrogen network operators carrying out their functions;	(7) 'hydrogen linepack' means the storage of hydrogen of a high grade of purity by compression in hydrogen networks, excluding facilities reserved for hydrogen network operators carrying out their functions; Text Origin: Commission Proposal
Article 2, first paragraph, point (8)				
176	(8) 'hydrogen terminal' means an installation used for the transformation of liquid hydrogen or liquid ammonia into gaseous hydrogen for injection into the hydrogen network or the liquefaction of gaseous hydrogen, including ancillary services and temporary storage necessary for the transformation process and subsequent injection into the hydrogen network, but not any part of the hydrogen terminal used for storage;	(8) 'hydrogen terminal' means an installation used for the transformation of liquid hydrogen or liquid ammonia into gaseous hydrogen for injection into the hydrogen network or the liquefaction of gaseous hydrogen, including ancillary services and temporary storage necessary for the transformation process and subsequent injection into the hydrogen network, but not any part of the hydrogen terminal used for storage;	(8) 'hydrogen terminal' means an installation used for the offloading and transformation of liquid hydrogen or liquid ammonia into gaseous hydrogen for injection into the hydrogen network or the natural gas system or the liquefaction of gaseous hydrogen and its onloading , including ancillary services and temporary storage necessary for the transformation process and subsequent injection into the hydrogen network, but not any part of the hydrogen terminal used for storage;	(8) 'hydrogen terminal' means an installation used for the <u>offloading</u> and transformation of liquid hydrogen or liquid ammonia into gaseous hydrogen for injection into the hydrogen network or the <u>natural gas system or the liquefaction of gaseous hydrogen and its onloading</u> , including ancillary services and temporary storage necessary for the transformation process and subsequent injection into the hydrogen network, but not any part of the hydrogen terminal used for storage; 16.11.2023 Provisionally agreed Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 2, first paragraph, point (8a)			
176a		<i>(8a) ‘hydrogen terminal operator’ means a natural or legal person who carries out the function of transformation of liquid hydrogen or liquid ammonia into gaseous hydrogen for injection into the hydrogen network or the liquefaction of gaseous hydrogen and is responsible for operating a hydrogen terminal;</i>	(8a) ‘hydrogen terminal operator’ means a natural or legal person who carries out the function of offloading and transformation of liquid hydrogen or liquid ammonia into gaseous hydrogen for injection into the hydrogen network or the natural gas system or the liquefaction and onloading of gaseous hydrogen and is responsible for operating a hydrogen terminal;	<u>(8a) ‘hydrogen terminal operator’ means a natural or legal person who carries out the function of offloading and transformation of liquid hydrogen or liquid ammonia into gaseous hydrogen for injection into the hydrogen network or the natural gas system or the liquefaction and onloading of gaseous hydrogen and is responsible for operating a hydrogen terminal;</u> 16.11.2023 Provisionally agreed Text Origin: Council Mandate
	Article 2, first paragraph, point (9)			
177	(9) ‘hydrogen quality’ means hydrogen purity and contaminants in line with applicable hydrogen quality standards for the hydrogen system;	(9) ‘hydrogen quality’ means hydrogen purity and contaminants in line with applicable hydrogen quality standards for the hydrogen system;	(9) ‘hydrogen quality’ means hydrogen purity and contaminants in line with applicable hydrogen quality standards for the hydrogen system;	(9) ‘hydrogen quality’ means hydrogen purity and contaminants in line with applicable hydrogen quality standards for the hydrogen system; Text Origin: Commission Proposal
	Article 2, first paragraph, point (13)			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
181	(13) ‘hydrogen undertaking’ means a natural or legal person carrying out at least one of the following functions: hydrogen production, hydrogen transport, supply, purchase or storage of hydrogen, or operating a hydrogen terminal, and which is responsible for the commercial, technical or maintenance tasks related to those functions, but not including final customers;	(13) ‘hydrogen undertaking’ means a natural or legal person who carries out at least one of the following functions: hydrogen production, hydrogen transport, supply, purchase or storage of hydrogen, or operating a hydrogen terminal, and which is responsible for the commercial, technical or maintenance tasks related to those functions, excluding final customers;	(13) ‘hydrogen undertaking’ means a natural or legal person carrying out at least one of the following functions: hydrogen production, hydrogen transport, supply, purchase or storage of hydrogen, or operating a hydrogen terminal, and which is responsible for the commercial, technical or maintenance tasks related to those functions, but not including final customers;	(13) ‘hydrogen undertaking’ means a natural or legal person ~~carrying~~ who carries out at least one of the following functions: hydrogen production, hydrogen transport, supply, purchase or storage of hydrogen, or operating a hydrogen terminal, and which is responsible for the commercial, technical or maintenance tasks related to those functions, ~~but not including~~ excluding final customers; 16.11.2023 provisionally agreed Text Origin: EP Mandate
Article 2, first paragraph, point (14)				
182	(14) ‘natural gas undertaking’ means a natural or legal person carrying out production, transmission, distribution, supply, purchase or storage of natural gas, including LNG, and which is responsible for the commercial, technical or maintenance tasks related to those functions, but not including final customers;	(14) ‘natural gas undertaking’ means a natural or legal person who carries out production, transmission, distribution, supply, purchase or storage of natural gas, including LNG, and which is responsible for the commercial, technical or maintenance tasks related to those functions, excluding final customers;	(14) ‘natural gas undertaking’ means a natural or legal person carrying out production, transmission, distribution, supply, purchase or storage of natural gas, including LNG, and which is responsible for the commercial, technical or maintenance tasks related to those functions, but not including final customers;	(14) ‘natural gas undertaking’ means a natural or legal person ~~carrying~~ who carries out production, transmission, distribution, supply, purchase or storage of natural gas, including LNG, and which is responsible for the commercial, technical or maintenance tasks related to those functions, ~~but not including~~ excluding final customers;

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				16.11.2023 provisionally agreed Text Origin: EP Mandate
Article 2, first paragraph, point (15)				
183	(15) ‘upstream pipeline network’ means any pipeline or network of pipelines operated and/or constructed as part of an oil or natural gas production project, or used to convey natural gas from one or more such projects to a processing plant or terminal or final coastal landing terminal;	(15) ‘upstream pipeline network’ means any pipeline or network of pipelines operated and/or constructed as part of an oil or natural gas production project, or used to convey natural gas from one or more such projects to a processing plant or terminal or final coastal landing terminal;	(15) ‘upstream pipeline network’ means any pipeline or network of pipelines operated and/or constructed as part of an oil or natural gas production project, or used to convey natural gas from one or more such projects to a processing plant or terminal or final coastal landing terminal;	(15) ‘upstream pipeline network’ means any pipeline or network of pipelines operated and/or constructed as part of an oil or natural gas production project, or used to convey natural gas from one or more such projects to a processing plant or terminal or final coastal landing terminal; Text Origin: Commission Proposal
Article 2, first paragraph, point (16)				
184	(16) ‘transmission’ means the transport of natural gas through a network, which mainly contains high-pressure pipelines, other than an upstream pipeline network and other than the part of high-pressure pipelines primarily used in the context of local distribution of natural gas, with a view to its delivery to customers, but not including supply;	(16) ‘transmission’ means the transport of natural gas through a network, which mainly contains high-pressure pipelines, other than an upstream pipeline network and other than the part of high-pressure pipelines primarily used in the context of local distribution of natural gas, with a view to its delivery to customers, excluding supply;	(16) ‘transmission’ means the transport of natural gas through a network, which mainly contains high-pressure pipelines, other than an upstream pipeline network and other than the part of high-pressure pipelines primarily used in the context of local distribution of natural gas, with a view to its delivery to customers, but not including supply;	(16) ‘transmission’ means the transport of natural gas through a network, which mainly contains high-pressure pipelines, other than an upstream pipeline network and other than the part of high-pressure pipelines primarily used in the context of local distribution of natural gas, with a view to its delivery to customers, but not including supply;

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				16.11.2023 provisionally agreed Text Origin: EP Mandate
Article 2, first paragraph, point (17)				
185	(17) ‘transmission system operator’ means a natural or legal person who carries out the function of transmission and is responsible for operating, ensuring the maintenance of, and, if necessary, developing the transmission system in a given area and, where applicable, its interconnections with other systems, and for ensuring the long-term ability of the system to meet reasonable demands for the transport of natural gas;	(17) ‘transmission system operator’ means a natural or legal person who carries out the function of transmission and is responsible for operating, ensuring the maintenance of, and, if necessary, developing the transmission system in a given area and, where applicable, its interconnections with other systems, and for ensuring the long-term ability of the system to meet reasonable demands for the transport of natural gas;	(17) ‘transmission system operator’ means a natural or legal person who carries out the function of transmission and is responsible for operating, ensuring the maintenance of, and, if necessary, developing the transmission system in a given area and, where applicable, its interconnections with other systems, and for ensuring the long-term ability of the system to meet reasonable demands for the transport of natural gas;	(17) ‘transmission system operator’ means a natural or legal person who carries out the function of transmission and is responsible for operating, ensuring the maintenance of, and, if necessary, developing the transmission system in a given area and, where applicable, its interconnections with other systems, and for ensuring the long-term ability of the system to meet reasonable demands for the transport of natural gas;
				Text Origin: Commission Proposal
Article 2, first paragraph, point (18)				
186	(18) ‘distribution’ means the transport of natural gas through local or regional pipeline networks with a view to its delivery to customers, but not including supply;	(18) ‘distribution’ means the transport of natural gas through local or regional pipeline networks with a view to its delivery to customers, excluding supply;	(18) ‘distribution’ means the transport of natural gas through local or regional pipeline networks with a view to its delivery to customers, but not including supply;	(18) ‘distribution’ means the transport of natural gas through local or regional pipeline networks with a view to its delivery to customers, ~~but not including~~ excluding supply;

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: EP Mandate
Article 2, first paragraph, point (19)				
187	(19) ‘distribution system operator’ means a natural or legal person who carries out the function of distribution and is responsible for operating, ensuring the maintenance of, and, if necessary, developing the distribution system in a given area and, where applicable, its interconnections with other systems, and for ensuring the long-term ability of the system to meet reasonable demands for the distribution of natural gas;	(19) ‘distribution system operator’ means a natural or legal person who carries out the function of distribution and is responsible for operating, ensuring the maintenance of, and, if necessary, developing the distribution system in a given area and, where applicable, its interconnections with other systems, and for ensuring the long-term ability of the system to meet reasonable demands for the distribution of natural gas;	(19) ‘distribution system operator’ means a natural or legal person who carries out the function of distribution and is responsible for operating, ensuring the maintenance of, and, if necessary, developing the distribution system in a given area and, where applicable, its interconnections with other systems, and for ensuring the long-term ability of the system to meet reasonable demands for the distribution of natural gas;	(19) ‘distribution system operator’ means a natural or legal person who carries out the function of distribution and is responsible for operating, ensuring the maintenance of, and, if necessary, developing the distribution system in a given area and, where applicable, its interconnections with other systems, and for ensuring the long-term ability of the system to meet reasonable demands for the distribution of natural gas; Text Origin: Commission Proposal
Article 2, first paragraph, point (20)				
188	(20) ‘hydrogen network’ means a network of pipelines used for the transport of hydrogen of a high grade of purity with a view to its delivery to customers, but not including supply;	(20) ‘hydrogen network’ means a network of <i>onshore and offshore</i> pipelines used for the transport of hydrogen of a high grade of purity with a view to its delivery to customers, <i>excluding</i> supply;	(20) ‘hydrogen network’ means a network of pipelines used for the transport of hydrogen of a high grade of purity with a view to its delivery to customers, but not including supply;	(20) ‘hydrogen network’ means a network of <u>onshore and offshore</u> pipelines used for the transport of hydrogen of a high grade of purity with a view to its delivery to customers, ~~but not~~ <u>including</u> ~~excluding~~ supply;

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				16.11.2023 provisionally agreed Text Origin: EP Mandate
Article 2, first paragraph, point (21)				
189	(21) 'hydrogen transport' means the transport of hydrogen through a hydrogen network with a view to its delivery to customers, but not including supply, irrespective of the pressure, the geographic coverage or the connected customer group of the network;	(21) 'hydrogen transport' means the transmission or distribution of hydrogen through a hydrogen network with a view to its delivery to customers, excluding supply, irrespective of transmission or distribution , the geographic coverage or the connected customer group of the network;	(21) 'hydrogen transport' means the transport of hydrogen through a hydrogen network with a view to its delivery to customers, but not including supply, irrespective of the pressure, the geographic coverage or the connected customer group of the network;	(21) 'hydrogen transport' means the ~~transport~~ transmission or distribution of hydrogen through a hydrogen network with a view to its delivery to customers, but ~~not including~~ excluding supply; ~~irrespective of the pressure, the geographic coverage or the connected customer group of the network;~~ 16.11.2023 provisionally agreed Text Origin: EP Mandate
Article 2, first paragraph, point (21a)				
189a		<i>(21a) 'hydrogen transmission' means the transport of hydrogen through a network which mainly contains high-pressure pipelines, other than an upstream pipeline network and other than the part of high-pressure pipelines primarily used in the context of local distribution of natural gas, with a</i>		<u>(21a) 'hydrogen transmission network' means a network of pipelines for the transport of hydrogen of a high grade of purity, in particular, networks which include hydrogen interconnectors, or which are directly connected to hydrogen storage, hydrogen terminals or</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>view to the delivery of hydrogen to customers, excluding supply;</i>		<u>two or more hydrogen interconnectors or which primarily serve the purpose of transporting hydrogen to other hydrogen networks, hydrogen storages or hydrogen terminals. Such networks may serve the purpose of supplying directly connected customers.</u> Provisionally agreed
	Article 2, first paragraph, point (21b)			
189b		<i>(21b) ‘hydrogen distribution’ means the transport of hydrogen through local or regional pipeline networks with a view to its delivery to customers, excluding supply;</i>		<u>(21b) hydrogen distribution network’ means a network of pipelines for the local or regional transport of hydrogen of a high grade of purity, which primarily serve the purpose of supplying directly connected customers, and do not include hydrogen interconnectors, and are not directly connected to hydrogen storage, unless the network in question was a gas distribution system on [entry into force of this Directive] and has been partially or fully repurposed for the transport of hydrogen, to hydrogen terminals or to two or more hydrogen interconnectors.</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Provisionally agreed
Article 2, first paragraph, point (22)				
190	(22) ‘hydrogen network operator’ means a natural or legal person who carries out the function of hydrogen transport and is responsible for operating, ensuring the maintenance of, and, if necessary, developing the hydrogen network in a given area and, where applicable, its interconnections with other hydrogen networks, and for ensuring the long-term ability of the system to meet reasonable demands for the transport of hydrogen;	(22) ‘hydrogen network operator’ means a natural or legal person who carries out the function of hydrogen transport and is responsible for operating, ensuring the maintenance of, and, if necessary, developing the hydrogen network in a given area and, where applicable, its interconnections with other hydrogen networks, and for ensuring the long-term ability of the system to meet reasonable demands for the transport of hydrogen;	(22) ‘hydrogen network operator’ means a natural or legal person who carries out the function of hydrogen transport and is responsible for operating, ensuring the maintenance of, and, if necessary, developing the hydrogen network in a given area and, where applicable, its interconnections with other hydrogen networks, and for ensuring the long-term ability of the system to meet reasonable demands for the transport of hydrogen;	(22) ‘hydrogen network operator’ means a natural or legal person who carries out the function of hydrogen transport and is responsible for operating, ensuring the maintenance of, and, if necessary, developing the hydrogen network in a given area and, where applicable, its interconnections with other hydrogen networks, and for ensuring the long-term ability of the system to meet reasonable demands for the transport of hydrogen; Text Origin: Commission Proposal
Article 2, first paragraph, point (23)				
191	(23) ‘supply’ means the sale, including resale, of natural gas, including LNG, or hydrogen, including liquid hydrogen, to customers;	(23) ‘supply’ means the sale, including resale, of natural gas, including LNG, or hydrogen, including liquid hydrogen, to customers;	(23) ‘supply’ means the sale, including resale, of natural gas, including LNG, or hydrogen, including liquid hydrogen and hydrogen carriers including ammonia, methanol or liquid organic hydrogen carriers , to	(23) ‘supply’ means the sale, including resale, of natural gas, including LNG, or hydrogen, including <u>via/in the form of</u> liquid <u>organic</u> hydrogen, <u>carriers or liquid hydrogen and hydrogen derivatives including ammonia or</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			customers;	<u>methanol</u> to customers; Provisionally agreed Text Origin: Council Mandate
Article 2, first paragraph, point (24)				
192	(24) ‘supply undertaking’ means any natural or legal person who carries out the function of supply;	(24) ‘supply undertaking’ means <i>a</i> natural or legal person who carries out the function of supply;	(24) ‘supply undertaking’ means any natural or legal person who carries out the function of supply;	(24) ‘supply undertaking’ means any natural or legal person who carries out the function of supply; Text Origin: Commission Proposal
Article 2, first paragraph, point (24a)				
192a		<i>(24a) ‘hydrogen supply undertaking’ means a natural or legal person who carries out the function of hydrogen supply;</i>		<u>(24a)</u> Deleted
Article 2, first paragraph, point (25)				
193	(25) ‘storage facility’ means a facility used for the stocking of natural gas and owned and/or operated by a natural gas undertaking, including the part of LNG facilities used for storage but excluding the portion used for production operations, and	(25) ‘storage facility’ means a facility used for the stocking of natural gas and owned and/or operated by a natural gas undertaking, including the part of LNG facilities used for storage but excluding the portion used for production operations, and	(25) ‘storage facility’ means a facility used for the stocking of natural gas and owned and/or operated by a natural gas undertaking, including the part of LNG facilities used for storage but excluding the portion used for production operations, and	(25) ‘storage facility’ means a facility used for the stocking of natural gas and owned and/or operated by a natural gas undertaking, including the part of LNG facilities used for storage but excluding the portion used for production operations, and

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	excluding facilities reserved exclusively for transmission system operators in carrying out their functions;	excluding facilities reserved exclusively for transmission system operators in carrying out their functions;	excluding facilities reserved exclusively for transmission system operators in carrying out their functions;	excluding facilities reserved exclusively for transmission system operators in carrying out their functions; Text Origin: Commission Proposal
Article 2, first paragraph, point (26)				
194	(26) 'storage system operator' means a natural or legal person who carries out the function of storage of natural gas and is responsible for operating a storage facility;	(26) 'storage system operator' means a natural or legal person who carries out the function of storage of natural gas and is responsible for operating a storage facility;	(26) 'storage system operator' means a natural or legal person who carries out the function of storage of natural gas and is responsible for operating a storage facility;	(26) 'storage system operator' means a natural or legal person who carries out the function of storage of natural gas and is responsible for operating a storage facility; Text Origin: Commission Proposal
Article 2, first paragraph, point (27)				
195	(27) 'LNG facility' means a terminal which is used for the liquefaction of natural gas or the importation, offloading, and re-gasification of LNG, including ancillary services and temporary storage necessary for the re-gasification process and subsequent delivery to the transmission system, but not including any part of LNG	(27) 'LNG facility' means a terminal which is used for the liquefaction of natural gas or the importation, offloading, and re-gasification of LNG, including ancillary services and temporary storage necessary for the re-gasification process and subsequent delivery to the transmission system, excluding any part of LNG terminals used for	(27) 'LNG facility' means a terminal which is used for the liquefaction of natural gas or the importation, offloading, and re-gasification of LNG, including ancillary services and temporary storage necessary for the re-gasification process and subsequent delivery to the transmission system, but not including any part of LNG	(27) 'LNG facility' means a terminal which is used for the liquefaction of natural gas or the importation, offloading, and re-gasification of LNG, including ancillary services and temporary storage necessary for the re-gasification process and subsequent delivery to the transmission system, but not including any part of LNG

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	terminals used for storage;	storage;	terminals used for storage;	terminals used for storage; Text Origin: Commission Proposal
Article 2, first paragraph, point (28)				
196	(28) ‘LNG system operator’ means a natural or legal person who carries out the function of liquefaction of natural gas, or the importation, offloading, and re-gasification of LNG and is responsible for operating a LNG facility;	(28) ‘LNG system operator’ means a natural or legal person who carries out the function of liquefaction of natural gas, or the importation, offloading, and re-gasification of LNG and is responsible for operating a LNG facility;	(28) ‘LNG system operator’ means a natural or legal person who carries out the function of liquefaction of natural gas, or the importation, offloading, and re-gasification of LNG and is responsible for operating a LNG facility;	(28) ‘LNG system operator’ means a natural or legal person who carries out the function of liquefaction of natural gas, or the importation, offloading, and re-gasification of LNG and is responsible for operating a LNG facility; Text Origin: Commission Proposal
Article 2, first paragraph, point (29)				
197	(29) ‘system’ means any transmission networks, distribution networks, LNG facilities or storage facilities owned or operated by a natural gas undertaking, including linepack and its facilities supplying ancillary services and those of related undertakings necessary for providing access to transmission, distribution and LNG;	(29) ‘system’ means any transmission networks, distribution networks, LNG facilities or storage facilities owned or operated by a natural gas undertaking, including linepack and its facilities supplying ancillary services and those of related undertakings necessary for providing access to transmission, distribution and LNG;	(29) ‘system’ means any transmission networks, distribution networks, LNG facilities or storage facilities owned or operated by a natural gas undertaking, including linepack and its facilities supplying ancillary services and those of related undertakings necessary for providing access to transmission, distribution and LNG;	(29) ‘system’ means any transmission networks, distribution networks, LNG facilities or storage facilities owned or operated by a natural gas undertaking, including linepack and its facilities supplying ancillary services and those of related undertakings necessary for providing access to transmission, distribution and LNG; Text Origin: Commission

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Proposal
Article 2, first paragraph, point (30)				
198	(30) ‘ancillary services’ means all services necessary for access to and the operation of transmission networks, distribution networks, LNG facilities, or storage facilities, including load balancing, blending and injection of inert gases, but not including facilities reserved exclusively for transmission system operators carrying out their functions;	(30) ‘ancillary services’ means all services necessary for access to and the operation of transmission networks, distribution networks, LNG facilities, or storage facilities, including load balancing, blending and injection of inert gas , excluding facilities reserved exclusively for transmission system operators carrying out their functions;	(30) ‘ancillary services’ means all services necessary for access to and the operation of transmission networks, distribution networks, LNG facilities, or storage facilities, including load balancing, blending, deblending and injection of inert gases, but not including facilities reserved exclusively for transmission system operators carrying out their functions;	(30) ‘ancillary services’ means all services necessary for access to and the operation of transmission networks, distribution networks, LNG facilities, or storage facilities, including load balancing, blending and injection of inert ~~gases, but not including gas~~ , excluding facilities reserved exclusively for transmission system operators carrying out their functions; 16.11.2023 Provisionally agreed Text Origin: EP Mandate
Article 2, first paragraph, point (31)				
199	(31) ‘natural gas linepack’ means the storage of natural gas by compression in gas transmission and distribution systems, but not including facilities reserved for transmission system operators carrying out their functions;	(31) ‘ natural gas linepack’ means the storage of natural gas by compression in gas transmission and distribution systems, excluding facilities reserved for transmission system operators carrying out their functions;	(31) ‘ natural gas linepack’ means the storage of natural gas by compression in gas transmission and distribution systems, but not including facilities reserved for transmission system operators carrying out their functions;	(31) ‘natural gas linepack’ means the storage of natural gas by compression in gas transmission and distribution systems, but not including facilities reserved for transmission system operators carrying out their functions; Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 2, first paragraph, point (32)				
200	(32) ‘interconnected system’ means a number of systems which are linked with each other;	(32) ‘interconnected system’ means a number of systems which are linked with each other;	(32) ‘interconnected system’ means a number of systems which are linked with each other;	(32) ‘interconnected system’ means a number of systems which are linked with each other; Text Origin: Commission Proposal
Article 2, first paragraph, point (33)				
201	(33) ‘interconnector’ means a transmission line which crosses or spans a border between Member States for the purpose of connecting the national transmission system of those Member States or a transmission line between a Member State and a third country up to the territory of the Member States or the territorial sea of that Member State;	(33) ‘interconnector’ means a transmission line which crosses or spans a border between Member States for the purpose of connecting the national transmission system of those Member States or a transmission line between a Member State and a third country up to the territory of the Member States or the territorial sea of that Member State;	(33) ‘interconnector’ means a transmission line which crosses or spans a border between Member States for the purpose of connecting the national transmission system of those Member States or a transmission line between a Member State and a third country up to the territory of the Member States or the territorial sea of that Member State;	(33) ‘interconnector’ means a transmission line which crosses or spans a border between Member States for the purpose of connecting the national transmission system of those Member States or a transmission line between a Member State and a third country up to the territory of the Member States or the territorial sea of that Member State; Text Origin: Commission Proposal
Article 2, first paragraph, point (35)				
203	(35) ‘direct line’ means a natural gas pipeline complementary to the interconnected system;	(35) ‘direct line’ means a natural gas pipeline complementary to the interconnected system;	(35) ‘direct line’ means a natural gas pipeline complementary to the interconnected system;	(35) ‘direct line’ means a natural gas pipeline complementary to the interconnected system; Text Origin: Commission

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Proposal
Article 2, first paragraph, point (36)				
204	(36) ‘integrated natural gas undertaking’ means a vertically or horizontally integrated undertaking;	(36) ‘integrated natural gas undertaking’ means a vertically or horizontally integrated undertaking;	(36) ‘integrated natural gas undertaking’ means a vertically or horizontally integrated undertaking;	(36) ‘integrated natural gas undertaking’ means a vertically or horizontally integrated undertaking; Text Origin: Commission Proposal
Article 2, first paragraph, point (37)				
205	(37) ‘vertically integrated undertaking’ means a natural gas undertaking or a group of natural gas undertakings or a hydrogen undertaking or group of hydrogen undertakings where the same person or the same persons are entitled, directly or indirectly, to exercise control, and where the undertaking or group of undertakings perform at least one of the functions of transmission, distribution, hydrogen transport, hydrogen terminal operation, LNG or natural gas or hydrogen storage, and at least one of the functions of production or supply of natural gas or of hydrogen;	(37) ‘vertically integrated undertaking’ means a natural gas undertaking or a group of natural gas undertakings or a hydrogen undertaking or group of hydrogen undertakings where the same person or the same persons are entitled, directly or indirectly, to exercise control, and where the undertaking or group of undertakings perform at least one of the functions of transmission, distribution, hydrogen transport, hydrogen terminal operation, LNG or natural gas or hydrogen storage, and at least one of the functions of production or supply of natural gas or of hydrogen;	(37) ‘vertically integrated undertaking’ means a natural gas undertaking or a group of natural gas undertakings or a hydrogen undertaking or group of hydrogen undertakings where the same person or the same persons are entitled, directly or indirectly, to exercise control, and where the undertaking or group of undertakings perform at least one of the functions of transmission, distribution, hydrogen transport, hydrogen terminal operation, LNG or natural gas or hydrogen storage, and at least one of the functions of production or supply of natural gas or of hydrogen;	(37) ‘vertically integrated undertaking’ means a natural gas undertaking or a group of natural gas undertakings or a hydrogen undertaking or group of hydrogen undertakings where the same person or the same persons are entitled, directly or indirectly, to exercise control, and where the undertaking or group of undertakings perform at least one of the functions of transmission, distribution, hydrogen transport, hydrogen terminal operation, LNG or natural gas or hydrogen storage, and at least one of the functions of production or supply of natural gas or of hydrogen;

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 2, first paragraph, point (38)				
206	(38) ‘horizontally integrated undertaking’ means an undertaking performing at least one of the functions of production, transmission, distribution, supply or storage of natural gas, and a non- natural gas activity;	(38) ‘horizontally integrated undertaking’ means an undertaking performing at least one of the functions of production, transmission, distribution, supply or storage of natural gas, and a non-natural gas activity;	(38) ‘horizontally integrated undertaking’ means an undertaking performing at least one of the functions of production, transmission, distribution, supply or storage of natural gas, and a non- natural gas activity;	(38) ‘horizontally integrated undertaking’ means an undertaking performing at least one of the functions of production, transmission, distribution, supply or storage of natural gas, and a ~~non-natural~~ non-natural gas activity; 16.11.2023 Provisionally agreed Text Origin: EP Mandate
Article 2, first paragraph, point (39)				
207	(39) ‘related undertaking’ means an affiliated undertaking, as defined in point (12) of Article 2 of Directive 2013/34/EU of the European Parliament and of the Council ¹ , or an undertaking which belongs to the same shareholders; 1. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of	(39) ‘related undertaking’ means an affiliated undertaking as defined in point (12), of Article 2 of Directive 2013/34/EU of the European Parliament and of the Council ²⁶ , or an undertaking which belongs to the same shareholders; 26. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of	(39) ‘related undertaking’ means an affiliated undertaking, as defined in point (12) of Article 2 of Directive 2013/34/EU of the European Parliament and of the Council ¹ , or an undertaking which belongs to the same shareholders; 1. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of	(39) ‘related undertaking’ means an affiliated undertaking, as defined in point (12), of Article 2 of Directive 2013/34/EU of the European Parliament and of the Council ²⁶ , or an undertaking which belongs to the same shareholders; ~~1. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and~~

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	undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).	<i>undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).</i>	undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).	~~related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).~~ <u>26. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).</u> 16.11.2023 Provisionally agreed Text Origin: EP Mandate
Article 2, first paragraph, point (40)				
208	(40) ‘system user’ means a natural or legal person supplying to, or being supplied by, the system;	(40) ‘system user’ means a natural or legal person <i>who supplies to or is</i> supplied by the system;	(40) ‘system user’ means a natural or legal person supplying to, or being supplied by, the system;	(40) ‘system user’ means a natural or legal person supplying to, or being supplied by, the system; Text Origin: Commission Proposal
Article 2, first paragraph, point (41)				
209	(41) ‘customer’ means a wholesale or final customer of gases or a natural gas or hydrogen undertaking which purchases	(41) ‘customer’ means a wholesale <i>customer or a</i> final customer or a natural gas or hydrogen undertaking which purchases <i>gas</i> ;	(41) ‘customer’ means a wholesale or final customer of gases or a natural gas or hydrogen undertaking which purchases	(41) ‘customer’ means a wholesale or final customer of gases or a natural gas or hydrogen undertaking which purchases

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	gases;		gases;	gases; Text Origin: Commission Proposal
Article 2, first paragraph, point (42)				
210	(42) 'household customer' means a customer purchasing gases for his own household consumption;	(42) 'household customer' means a customer <i>who purchases gas for</i> own household consumption;	(42) 'household customer' means a customer purchasing gases for his own household consumption;	(42) 'household customer' means a customer purchasing gases for his own household consumption; Text Origin: Commission Proposal
Article 2, first paragraph, point (43)				
211	(43) 'non-household customer' means a customer purchasing gases which are not for his own household use;	(43) 'non-household customer' means a customer <i>who purchases gas</i> which <i>is</i> not for own household use;	(43) 'non-household customer' means a customer purchasing gases which are not for his own household use;	(43) 'non-household customer' means a customer purchasing gases which are not for his own household use; Text Origin: Commission Proposal
Article 2, first paragraph, point (44)				
212	(44) 'final customer' means a customer purchasing gases for his own use;	(44) 'final customer' means a customer <i>who purchases gas for</i> own use;	(44) 'final customer' means a customer purchasing gases for his own use;	(44) 'final customer' means a customer purchasing gases for his own use; Text Origin: Commission Proposal

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	Article 2, first paragraph, point (45)			
213	(45) ‘wholesale customer’ means a natural or legal person other than a transmission system operator or distribution system operator who purchases gases for the purpose of resale inside or outside the system where he is established;	(45) ‘wholesale customer’ means a natural or legal person other than a transmission system operator or <i>a</i> distribution system operator, who purchases <i>gas</i> for the purpose of resale inside or outside the system where <i>that person</i> is established;	(45) ‘wholesale customer’ means a natural or legal person other than a transmission system operator or distribution system operator who purchases gases for the purpose of resale inside or outside the system where he is established;	(45) ‘wholesale customer’ means a natural or legal person other than a transmission system operator or distribution system operator who purchases gases for the purpose of resale inside or outside the system where he is established; Text Origin: Commission Proposal
	Article 2, first paragraph, point (48)			
216	(48) ‘security’ means both security of supply of natural gas and technical safety;	(48) ‘security’ means both security of supply of natural gas and technical safety;	(48) ‘security’ means both security of supply of natural gas and technical safety;	(48) ‘security’ means both security of supply of natural gas and technical safety; Text Origin: Commission Proposal
	Article 2, first paragraph, point (49)			
217	(49) ‘gas supply contract’ means a contract for the supply of gases, but does not include a gas derivative;	(49) ‘gas supply contract’ means a contract for the supply of <i>gas</i> , <i>excluding</i> a gas derivative;	(49) ‘gas supply contract’ means a contract for the supply of gases, but does not include a gas derivative;	(49) ‘gas supply contract’ means a contract for the supply of gases, but does not include a gas derivative; Text Origin: Commission Proposal
	Article 2, first paragraph, point (50)			

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218	(50) ‘gas derivative’ means a financial instrument specified in points 5, 6 or 7 of Section C of Annex I to Directive 2014/65/EU on market financial instruments¹, where that instrument relates to gas; 1. OJ L 145, 30.4.2004, p. 1 173, 12.6.2014, p. 349–496.	(50) ‘gas derivative’ means a financial instrument specified in point 5, 6 or 7 of Section C of Annex I to Directive 2014/65/EU of the European Parliament and of the Council²⁷ where that financial instrument relates to gas; <i>27. Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349).</i>	(50) ‘gas derivative’ means a financial instrument specified in points 5, 6 or 7 of Section C of Annex I to Directive 2014/65/EU on market financial instruments¹, where that instrument relates to gas; 1. OJ L 145, 30.4.2004, p. 1 173 173, 12.6.2014, p. 349–496.	(50) ‘gas derivative’ means a financial instrument specified in ~~points~~point 5, 6 or 7 of Section C of Annex I to Directive 2014/65/EU ~~on market financial instruments¹~~, of the European Parliament and of the Council²⁷ where that financial instrument relates to gas; ~~1. OJ L 145, 30.4.2004, p. 1 173, 12.6.2014, p. 349–496.~~ <u>27. Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349).</u> 16.11.2023 Provisionally agreed Text Origin: EP Mandate
Article 2, first paragraph, point (51)				
219	(51) ‘control’ means any rights, contracts or any other means which, either separately or in combination and having regard to the considerations of fact or law involved, confer the possibility of exercising decisive influence on an undertaking, in particular by:	(51) ‘control’ means any rights, contracts or any other means which, either separately or in combination and having regard to the considerations of fact or law involved, confer the possibility of exercising decisive influence on an undertaking, in particular by:	(51) ‘control’ means any rights, contracts or any other means which, either separately or in combination and having regard to the considerations of fact or law involved, confer the possibility of exercising decisive influence on an undertaking, in particular by:	(51) ‘control’ means any rights, contracts or any other means which, either separately or in combination and having regard to the considerations of fact or law involved, confer the possibility of exercising decisive influence on an undertaking, in particular by:

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				Text Origin: Commission Proposal
Article 2, first paragraph, point (51)(a)				
220	(a) ownership or the right to use all or part of the assets of an undertaking;	(a) ownership or the right to use all or part of the assets of an undertaking;	(a) ownership or the right to use all or part of the assets of an undertaking;	(a) ownership or the right to use all or part of the assets of an undertaking; Text Origin: Commission Proposal
Article 2, first paragraph, point (51)(b)				
221	(b) rights or contracts which confer decisive influence on the composition, voting or decisions of the organs of an undertaking;	(b) rights or contracts which confer decisive influence on the composition, voting or decisions of the organs of an undertaking;	(b) rights or contracts which confer decisive influence on the composition, voting or decisions of the organs of an undertaking;	(b) rights or contracts which confer decisive influence on the composition, voting or decisions of the organs of an undertaking; Text Origin: Commission Proposal
Article 2, first paragraph, point (52)				
222	(52) 'long-term contract' means a supply contract exceeding one year;	(52) 'long-term contract' means a supply contract exceeding one year;	(52) 'long-term contract' means a supply contract exceeding one year;	(52) 'long-term contract' means a supply contract exceeding one year; Text Origin: Commission Proposal
Article 2, first paragraph, point (53)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
223	(53) ‘entry-exit system’ means the aggregation of all transmission and distribution systems to which one specific balancing regime applies;	(53) ‘entry-exit system’ means <i>an access model for natural gas</i> transmission <i>or</i> distribution systems <i>where system users book capacity rights independently on entry and exit points</i> ;	(53) ‘entry-exit system’ means an access model for natural gas, where system users book capacity rights independently on entry- and exit points. The entry-exit system includes the ~~the aggregation of all transmission system and may include the distribution system or parts of a distribution system and distribution systems to which one specific balancing regime applies;~~	(53) ‘entry-exit system’ means <u><i>an access model for natural gas where system users book capacity rights independently on entry- and exit points. The entry-exit system includes the</i></u> ~~the aggregation of all transmission system and may include the distribution system or parts of a distribution system. and distribution systems to which one specific balancing regime applies;~~ 16.11.2023 Provisionally agreed
Article 2, first paragraph, point (54)				
224	(54) ‘balancing zone’ means an entry-exit system to which a specific balancing regime applies;	(54) ‘balancing zone’ means an entry-exit system to which a specific balancing regime <i>is applicable, including distribution systems or parts of them</i> ;	(54) ‘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 applies;	(54) ~~‘balancing zone’ means an entry-exit~~ system to which a specific balancing regime ~~applies~~ <u><i>is applicable and which includes the transmission system and may include distribution systems or parts of such distribution systems</i></u> ;
Article 2, first paragraph, point (55)				
225	(55) ‘virtual trading point’ means a non-physical commercial point within an entry-exit system where	(55) ‘virtual trading point’ means a non-physical commercial point within an entry-exit system where	(55) ‘virtual trading point’ means a non-physical commercial point within an entry-exit system where	(55) ‘virtual trading point’ means a non-physical commercial point within an entry-exit system where

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	gases are exchanged between a seller and a buyer without the need to book transmission or distribution capacity;	<i>gas is</i> exchanged between a seller and a buyer without the need to book ■ capacity;	gases are exchanged between a seller and a buyer without the need to book ~~transmission or distribution~~ capacity;	gases are exchanged between a seller and a buyer without the need to book ~~transmission or distribution~~ capacity; 16.11.2023 Provisionally agreed Text Origin: Council Mandate
Article 2, first paragraph, point (58)				
228	(58) ‘interconnection point’ means a physical or virtual point connecting adjacent entry-exit systems or connecting an entry-exit system with an interconnector, in so far as these points are subject to booking procedures by network users;	(58) ‘interconnection point’ means a physical or virtual point which connects adjacent entry-exit systems or connecting an entry-exit system with an interconnector, in so far as those points are subject to booking procedures by network users;	(58) ‘interconnection point’ means a physical or virtual point connecting adjacent entry-exit systems or connecting an entry-exit system with an interconnector, in so far as these points are subject to booking procedures by network users;	(58) ‘interconnection point’ means a physical or virtual point connecting adjacent entry-exit systems or connecting an entry-exit system with an interconnector, in so far as these points are subject to booking procedures by network users; Text Origin: Commission Proposal
Article 2, first paragraph, point (59)				
229	(59) ‘virtual interconnection point’ means two or more interconnection points which connect the same two adjacent entry-exit systems, integrated together for the purposes of providing a single capacity service;	(59) ‘virtual interconnection point’ means two or more interconnection points which connect the same two adjacent entry-exit systems, integrated together for the purposes of providing a single capacity service;	(59) ‘virtual interconnection point’ means two or more interconnection points which connect the same two adjacent entry-exit systems, integrated together for the purposes of providing a single capacity service;	(59) ‘virtual interconnection point’ means two or more interconnection points which connect the same two adjacent entry-exit systems, integrated together for the purposes of providing a single capacity service;

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				Text Origin: Commission Proposal
Article 2, first paragraph, point (60)				
230	(60) ‘market participant’ means a natural or legal person who buys, sells or produces gases or who is an operator of storage services including through the placing of orders to trade in one or more gas markets including balancing markets;	(60) ‘market participant’ means a natural or legal person who buys, sells or produces gas or who is an operator of storage services including through the placing of orders to trade in one or more gas markets including balancing markets;	(60) ‘market participant’ means a natural or legal person who buys, sells or produces gases or who is an operator of storage services including through the placing of orders to trade in one or more gas markets including balancing markets;	(60) ‘market participant’ means a natural or legal person who buys, sells or produces gases or who is an operator of storage services including through the placing of orders to trade in one or more gas markets including balancing markets; gas/gases issue to be solved horizontally Text Origin: Commission Proposal
Article 2, first paragraph, point (61)				
231	(61) ‘contract termination fee’ means a charge or penalty imposed on customers by suppliers or market participants, for terminating a gas supply or service contract;	(61) ‘contract termination fee’ means a charge or penalty imposed on customers by suppliers or market participants for terminating a gas supply or service contract;	(61) ‘contract termination fee’ means a charge or penalty imposed on customers by suppliers or market participants, for terminating a gas supply or service contract;	(61) ‘contract termination fee’ means a charge or penalty imposed on customers by suppliers or market participants, for terminating a gas supply or service contract; Text Origin: Commission Proposal
Article 2, first paragraph, point (62)				

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232	(62) ‘switching-related fee’ means a charge or penalty for changing suppliers or market participants, including contract termination fees, that is directly or indirectly imposed on customers by suppliers, market participants or system operators;	(62) ‘switching-related fee’ means a charge or penalty for changing suppliers or market participants, including contract termination fees, that is directly or indirectly imposed on customers by suppliers, market participants or system operators;	(62) ‘switching-related fee’ means a charge or penalty for changing suppliers or market participants, including contract termination fees, that is directly or indirectly imposed on customers by suppliers, market participants or system operators;	(62) ‘switching-related fee’ means a charge or penalty for changing suppliers or market participants, including contract termination fees, that is directly or indirectly imposed on customers by suppliers, market participants or system operators; Text Origin: Commission Proposal
Article 2, first paragraph, point (63)				
233	(63) ‘billing information’ means the information provided on a final customer's bill, apart from a request for payment;	(63) ‘billing information’ means the information provided on a final customer's bill, excluding any request for payment;	(63) ‘billing information’ means the information provided on a final customer's bill, apart from a request for payment;	(63) ‘billing information’ means the information provided on a final customer's bill, apart from a request for payment; Text Origin: Commission Proposal
Article 2, first paragraph, point (64)				
234	(64) ‘conventional meter’ means an analogue or electronic meter with no capability to both transmit and receive data;	(64) ‘conventional meter’ means an analogue or electronic meter with no capability to both transmit and receive data;	(64) ‘conventional meter’ means an analogue or electronic meter with no capability to both transmit and receive data;	(64) ‘conventional meter’ means an analogue or electronic meter with no capability to both transmit and receive data; Text Origin: Commission Proposal

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Article 2, first paragraph, point (65)				
235	(65) ‘smart metering system’ means an electronic system that is capable of measuring gas fed into the grid or gas consumed from the grid, providing more information than a conventional meter, and that is capable of transmitting and receiving data for information, monitoring and control purposes, using a form of electronic communication;	(65) ‘smart metering system’ means an electronic system that is capable of measuring gas fed into the grid or gas consumed from the grid, providing more information than a conventional meter, and that is capable of transmitting and receiving data for information, monitoring and control purposes, using a form of electronic communication;	(65) ‘smart metering system’ means an electronic system that is capable of measuring gas fed into the grid or gas consumed from the grid, ~~providing more information than a conventional meter,~~ and that is capable of transmitting and receiving data for information, monitoring and control purposes, using a form of electronic communication;	(65) ‘smart metering system’ means an electronic system that is capable of measuring gas fed into the grid or gas consumed from the grid, providing more information than a conventional meter, and that is capable of transmitting and receiving data for information, monitoring and control purposes, using a form of electronic communication; Text Origin: Commission Proposal
Article 2, first paragraph, point (66)				
236	(66) ‘interoperability’ means, in the context of smart metering, the ability of two or more energy or communication networks, systems, devices, applications or components to interwork to exchange and use information in order to perform required functions;	(66) ‘interoperability’ means, in the context of smart metering, the ability of two or more energy or communication networks, systems, devices, applications or components to interwork to exchange and use information in order to perform required functions;	(66) ‘interoperability’ means, in the context of smart metering, the ability of two or more energy or communication networks, systems, devices, applications or components to interwork to exchange and use information in order to perform required functions;	(66) ‘interoperability’ means, in the context of smart metering, the ability of two or more energy or communication networks, systems, devices, applications or components to interwork to exchange and use information in order to perform required functions; Text Origin: Commission Proposal
Article 2, first paragraph, point (67)				

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237	(67) ‘most recent available’ means, in the context of smart metering data, that it is provided within a period matching the shortest settlement period in the national market;	(67) ‘most recent available’ means, in the context of smart metering data, that it is provided within a period matching the shortest settlement period in the national market;	(67) ‘most recent available’ means, in the context of smart metering data, that it is provided within a period matching the shortest settlement period in the national market;	(67) ‘most recent available’ means, in the context of smart metering data, that it is provided within a period matching the shortest settlement period in the national market; Text Origin: Commission Proposal
Article 2, first paragraph, point (68)				
238	(68) ‘best available techniques’ means, in the context of data protection and security in a smart metering environment, the most effective, advanced and practically suitable techniques for providing, in principle, the basis for complying with the Union data protection and security rules;	(68) ‘best available techniques’ means, in the context of data protection and security in a smart metering environment, the most effective, advanced and practically suitable techniques for providing, in principle, the basis for complying with the Union data protection and security rules;	(68) ‘best available techniques’ means, in the context of data protection and security in a smart metering environment, the most effective, advanced and practically suitable techniques for providing, in principle, the basis for complying with the Union data protection and security rules;	(68) ‘best available techniques’ means, in the context of data protection and security in a smart metering environment, the most effective, advanced and practically suitable techniques for providing, in principle, the basis for complying with the Union data protection and security rules; Text Origin: Commission Proposal
Article 2, first paragraph, point (69)				
239	(69) ‘energy poverty’ means energy poverty as defined in point (49) of Article 2 of Directive (EU) 2021/0203 COD of the European Parliament and of the Council;	(69) ‘energy poverty’ means <i>a household’s inability linked to meet, due to their unaffordability its basic energy supply needs and lack of access to essential energy</i>	(69) ‘energy poverty’ means energy poverty as defined in point (49) of Article 2 of Directive (EU) 2021/0203 COD of the European Parliament and of the Council;	(69) ‘energy poverty’ means energy poverty as defined in point (49) of Article 2 of Directive (EU) 2021/0203 COD of the European Parliament and of the Council;

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		<i>services to ensure basic levels of comfort and health and a decent standard of living, including adequate heating and cooling, lighting, and energy to power appliances, in the relevant national context, existing social policy and other relevant policies, as a result of an insufficient disposable income, high energy expenditures and poor energy efficiency of homes;</i>		Ref. to EED to be updated later. Text Origin: Commission Proposal
Article 2, first paragraph, point (70)				
240	(70) ‘citizen energy community’ means a legal entity that:	<i>deleted</i>	(70) ‘ ~~citizen energy community~~ ’ means a legal entity that:	~~(70) ‘citizen energy community’ means a legal entity that:~~ Deleted Provisionally agreed to delete - technical meeting 01.09.2023
Article 2, first paragraph, point (70)(a)				
241	(a) is based on voluntary and open participation and is effectively controlled by members or shareholders that are natural persons, local authorities, including municipalities, or small enterprises;	<i>deleted</i>	(a) ~~is based on voluntary and open participation and is effectively controlled by members or shareholders that are natural persons, local authorities, including municipalities, or small enterprises;~~	~~(a) is based on voluntary and open participation and is effectively controlled by members or shareholders that are natural persons, local authorities, including municipalities, or small enterprises;~~ Deleted Provisionally agreed to delete -

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Article 2, first paragraph, point (70)(b)				
242	(b) has for its primary purpose to provide environmental, economic or social community benefits to its members or shareholders or to the local areas where it operates rather than to generate financial profits; and	deleted	(b) has for its primary purpose to provide environmental, economic or social community benefits to its members or shareholders or to the local areas where it operates rather than to generate financial profits; and	~~(b) has for its primary purpose to provide environmental, economic or social community benefits to its members or shareholders or to the local areas where it operates rather than to generate financial profits; and~~ Deleted
Article 2, first paragraph, point (70)(c)				
243	(c) engages in production, distribution, supply, consumption, or storage of renewable gas in the natural gas system, or provides energy efficiency services or maintenance services to its members or shareholders;	deleted	(c) engages in production, distribution, supply, consumption, or storage of renewable gas in the natural gas system, or provides energy efficiency services or maintenance services to its members or shareholders;	~~(c) engages in production, distribution, supply, consumption, or storage of renewable gas in the natural gas system, or provides energy efficiency services or maintenance services to its members or shareholders;~~ Deleted Provisionally agreed to delete - technical meeting 01.09.2023
Article 2, first paragraph, point (70)(ca)				
243a			(70a) 'citizen energy community' means a legal entity as defined in Article 2, point (11), of Directive (EU) 2019/944 that	Deleted

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			operates in the renewable gas market.	
Article 2, first paragraph, point (71)				
244	(71) ‘active customer’ means a final natural gas customer, or a group of jointly acting final natural gas customers, who consumes or stores renewable gas, produced within its premises located within confined boundaries or, where permitted by a Member State, within other premises, or who sells self-produced renewable gas using the natural gas system, or participates in energy efficiency schemes, provided that those activities do not constitute its primary commercial or professional activity;	(71) ‘active customer’ means a final customer of natural gas ■ , or a group of jointly acting final customers of natural gas ■ , who consumes or stores renewable gas which is produced within its premises located within confined boundaries or, where permitted by the Member State concerned , within other premises, or who sells self-produced renewable gas using the natural gas system, or who participates in energy efficiency schemes, provided that those activities do not constitute the final customer’s primary commercial or professional activity;	(71) ‘active customer’ means a final natural gas customer, or a group of jointly acting final natural gas customers, who consumes or stores renewable gas, produced within its premises located within confined boundaries or, where permitted by a Member State, within other premises, or who sells self-produced renewable gas using the natural gas system, or participates in flexibility or participates in energy efficiency schemes, provided that those activities do not constitute its primary commercial or professional activity;	(71) ‘active customer’ means a final <u>customer of</u> natural gas ~~customer~~ , or a group of jointly acting final <u>customers of</u> natural gas ~~customers~~ , who consumes or stores renewable gas; <u>which is</u> produced within its premises located within confined boundaries or, where permitted by ~~the~~ Member State <u>concerned</u> , within other premises, or who sells self-produced renewable gas using the natural gas system, or <u>who participates in flexibility or</u> participates in energy efficiency schemes, provided that those activities do not constitute ~~the~~ <u>final customer’s</u> primary commercial or professional activity <u>and comply with the legislation applicable to renewable gas production, in particular in relation to greenhouse gas emissions</u> ; Provisionally agreed

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	Article 2, first paragraph, point (71a)			
G	244a	(71a) 'energy efficiency first' means energy efficiency first as defined in Article 2, point (18), of Regulation (EU) 2018/1999;		<u>(71a) 'energy efficiency first' means energy efficiency first as defined in Article 2, point (18), of Regulation (EU) 2018/1999;</u> 16.11.2023 Provisionally agreed
	Article 2, first paragraph, point (71b)			
G	244b	(71b) 'dedicated hydrogen asset' means dedicated hydrogen asset as defined Article 2, point (17), of Regulation (EU) 2022/869;		<u>Deleted</u> 16.11.2023 Provisionally agreed
	Article 2, first paragraph, point (71c)			
G	244c	(71c) 'repurposing' means repurposing as defined Article 2, point (18), of Regulation (EU) 2022/869		<u>(71c) 'repurposing' means repurposing as defined in Article 2, point (18), of Regulation (EU) 2022/869</u> 16.11.2023 Provisionally agreed
	Chapter II			
G	245	Chapter II General rules for the organisation of the market	Chapter II General rules for the organisation of the market	Chapter II General rules for the organisation of the market

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Article 3				
246	Article 3 Competitive, consumer-centred, flexible and non-discriminatory markets for gases	Article 3 Competitive, customer-centred , flexible and non-discriminatory gas markets	Article 3 Competitive, consumer-centred, flexible and non-discriminatory markets for gases	Article 3 ~~-Competitive, consumer-centred~~ customer-centred , flexible and non-discriminatory markets for gases Provisional agreement - technical meeting 01.09.2023
Article 3(1)				
247	1. Member States shall ensure that all customers are free to purchase gases from the supplier of their choice and shall ensure that all customers are free to have more than one supply contract for natural gas or hydrogen at the same time, provided that the required connection and metering points are established.	1. Member States shall ensure that all customers are free to purchase gas from the supplier of their choice and shall ensure that all customers are free to have more than one supply contract for natural gas or hydrogen at the same time, provided that the required connection and metering points are established and do not discriminate against non-gas heating or cooling solutions .	1. Member States shall ensure that all customers are free to purchase gases from the supplier of their choice and shall ensure that all customers are free to have more than one supply contract for natural gas or hydrogen at the same time, provided that the required connection and metering points are established.	1. Member States shall ensure that all customers are free to purchase gases from the supplier of their choice and shall ensure that all customers are free to have more than one supply contract for natural gas or hydrogen at the same time, provided that the required connection and metering points are established. Provisional agreement - technical meeting 01.09.2023 Text Origin: Commission Proposal
Article 3(1a)(2)				
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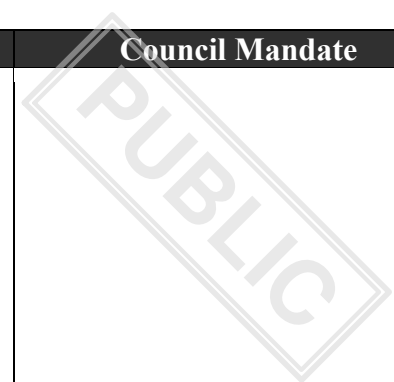
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	2. Member States shall ensure that their national law does not unduly hamper cross-border trade in gases, the functioning and emergence of liquid trading for gases, consumer participation, investments into, in particular, renewable and low carbon gases, or energy storage between Member States, and shall ensure that prices for gases reflect actual demand and supply.	<i>1a.</i> Member States shall ensure that their national law <i>promotes a highly energy efficient and renewables-based market</i> , does not unduly hamper cross-border trade in <i>gas</i> , the functioning and emergence of liquid trading for <i>gas</i> , consumer participation, investments into, in particular, renewable <i>gas and low-carbon gas</i> , or energy storage between Member States, and shall ensure that prices for <i>gas</i> reflect actual demand and supply.	2. Member States shall ensure that their national law does not unduly hamper cross-border trade in gases, the functioning and emergence of liquid trading for gases, consumer participation, investments into, in particular, renewable and low carbon gases, or energy storage between Member States, and shall ensure that prices for gases reflect actual demand and supply.	2. Member States shall ensure that their national law does not unduly hamper cross-border trade in gases, the functioning and emergence of liquid trading for gases, consumer participation, investments into, in particular, renewable and low carbon gases, or energy storage between Member States, and shall ensure that prices for gases reflect actual demand and supply. Provisional agreement - technical meeting 01.09.2023 Text Origin: Commission Proposal
Article 3(1a), (2) a				
248a		<i>Member States shall ensure that liquid trading for gas is subject to transparency obligations, in particular with regard to commercial contracts, and adequate price building mechanisms.</i>		Instead of the paragraph, a new RECITAL: Regulation (EU) No 1227/2011 of the European Parliament and the Council of 25 October 2011 on wholesale energy market integrity and transparency ensures a set of obligations on gas market participants. National regulatory authorities should be responsible for ensuring that this Regulation is enforced in the Member States. These

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				provisions are key to ensure that trading for gas is subject to transparency obligations.
Article 3(3)				
249	3. Member States shall ensure that no undue barriers exist within the internal market for gases as regards market entry and exit, trading and operation.	3. Member States shall ensure that no undue barriers exist within the internal market for gas as regards market entry and exit, trading and operation.	3. Member States shall ensure that no undue barriers exist within the internal market for gases as regards market entry and exit, trading and operation.	3. Member States shall ensure that no undue barriers exist within the internal market for gases as regards market entry and exit, trading and operation. gas/gases issue to be checked Text Origin: Commission Proposal
Article 3(4)				
250	4. Member States shall ensure that energy undertakings are subject to transparent, proportionate and non-discriminatory rules, fees and treatment, in particular with respect to access to wholesale markets, access to data, switching processes and billing regimes and, where applicable, licensing.	4. Member States shall ensure that energy undertakings are subject to transparent, proportionate and non-discriminatory rules, fees and treatment, in particular with regard to connection to the network , access to wholesale markets, access to data, switching processes and billing regimes and, where applicable, licensing.	4. Member States shall ensure that energy undertakings are subject to transparent, proportionate and non-discriminatory rules, fees and treatment, in particular with respect to access to wholesale markets, access to data, switching processes and billing regimes and, where applicable, licensing.	4. Member States shall ensure that energy undertakings are subject to transparent, proportionate and non-discriminatory rules, fees and treatment, in particular with ~~respect to~~ regard to connection to the network , access to wholesale markets, access to data, switching processes and billing regimes and, where applicable, licensing. Provisional agreement - technical meeting 01.09.2023

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: EP Mandate
Article 3(5)				
251	5. Member States shall ensure that market participants from third countries, when operating within the internal market for gases, comply with applicable Union and national law.	5. Member States shall ensure that market participants from third countries, when operating within the internal market for gas , comply with applicable Union and national law.	5. Member States shall ensure that market participants from third countries, when operating within the internal market for gases, comply with applicable Union and national law including in the fields of environment and safety.	5. Member States shall ensure that market participants from third countries, when operating within the internal market for gases, comply with applicable Union and national law <u>including in the fields of environment and safety.</u> Provisional agreement - technical meeting 01.09.2023 Text Origin: Council Mandate
Article 3(5b)				
251b				<u>5b. Member States shall ensure that this Directive is implemented in a manner which fosters energy system integration while not unduly discriminating against more energy efficient solutions, such as direct electrification, in line with the energy efficiency first principle.</u> Provisional agreement - technical meeting 01.09.2023

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 3a			
251c		<i>Article 3a</i> <i>EU indicative greenhouse gas intensity reduction target of the 2030 gas supply</i>		<u>Article 3a</u> <u>Deleted</u> 16.11.2023 provisionally agreed
	Article 3a(1)			
251d		<i>1. By ... [6 months of the date of entry into force of this Directive] the Commission shall present a report that investigates the effect of current energy and climate legislation in delivering renewable gas and low- carbon gas especially to end-users in hard-to-decarbonise sectors with the highest greenhouse gas abatement potential where no other more energy and cost- efficient options are available, compatibly with the capacities as identified in the network development plans as set out in Article 51 and distribution network development plans as set out in Article 52b and assess whether further measures at Union level are needed to ensure that sufficient volumes of renewable gas and low- carbon gas come to the market to meet the</i>		<u>Deleted</u> 16.11.2023 provisionally agreed

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>demand by 2030, while contributing to the intermediate target of reducing net greenhouse gas emissions by at least 55% by 2030, compared to 1990 levels.</i>		
Article 3a(2)				
251e		<i>2. Based on the report, the Commission shall, at the latest 6 months after its publication, where appropriate, put forward a legislative proposal to introduce measures, such as an indicative EU level target for the reduction of the greenhouse gas intensity of gas consumed in the Union by 2030. The use of dedicated hydrogen networks shall be considered. Without prejudice to the prioritisation of renewable gas, the target shall be considered addition to all relevant provisions in Directive [RED II and RED III] and Directive [EED], consistent with all relevant energy and climate legislation and take into account security of supplies and quality requirements for cross-border gas. When calculating the target, the gradual phase-out of fossil gas and the assumed reduction of demand for</i>		<u>Deleted</u>



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>gas in sectors other than hard-to-decarbonise sectors where no other more energy or cost efficient options are available shall be taken into account. The Commission accompany the proposal with a delegated act specifying the methodology for calculating and certifying the achievement of such target.</i>		
Article 3a(3)				
251f		<i>3. The Commission shall also specify the way Member States collectively aim at ensuring that the EU indicative greenhouse gas intensity reduction target is met, also by differentiated sectoral approaches, and how it shall be integrated in their national energy and climate plan.</i>		<u>Deleted</u>
Article 4				
252	Article 4 Market based supply prices	Article 4 Market based supply prices	Article 4 Market based supply prices	Article 4 Market based supply prices Text Origin: Commission Proposal
Article 4(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
253	1. Suppliers shall be free to determine the price at which they supply gases to customers. Member States shall take appropriate actions to ensure effective competition between suppliers.	1. Suppliers shall be free to determine the price at which they supply gas to customers. Member States shall take appropriate actions to ensure effective competition between supply undertakings and to avoid abuses of dominant positions as well as speculative and manipulative behaviour, to ensure fair prices for the final customers, as well as to ensure a level playing field between gas, electricity and thermal renewables.	1. Suppliers shall be free to determine the price at which they supply gases to customers. Member States shall take appropriate actions to ensure effective competition between suppliers.	1. Suppliers shall be free to determine the price at which they supply gases to customers. Member States shall take appropriate actions to ensure effective competition between suppliers <u>and to ensure reasonable prices for the final customers.</u> 16.11.2023 Provisionally agreed
Article 4(1a)				
253a		1a. If there is evidence of market abuse in the retail market, Member States shall ensure that the relevant national authority intervenes immediately, including with regard to limiting the margins and profits of the undertaking concerned.		<u>Deleted</u> 16.11.2023 Provisionally agreed
Article 4(2)				
254	2. Member States shall ensure the protection of energy poor and vulnerable household customers	2. Member States shall ensure the protection of vulnerable household customers and	2. Member States shall ensure the protection of energy poor and vulnerable household customers	2. Member States shall ensure the protection of energy poor and vulnerable household customers

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	pursuant to Articles 25 by social policy or by other means than public interventions in the price setting for the supply of gases.	<i>customers affected by or at risk of energy poverty</i> pursuant to Articles 25 by social policy or by other means than public interventions in the price setting for the supply of <i>gas</i> .	pursuant to Articles 25 by social policy or by other means than public interventions in the price setting for the supply of gases.	pursuant to Articles 25 by social policy or by other means than public interventions in the price setting for the supply of gases. Text Origin: Council Mandate
Article 4(3)				
255	3. By way of derogation from paragraphs 1 and 2, Member States may apply public interventions in the price setting for the supply of natural gas to energy poor or vulnerable household customers. Such public interventions shall be subject to the conditions set out in paragraphs 4 and 5.	3. By way of derogation from paragraphs 1 and 2, Member States may apply public interventions in the price setting for the supply of natural gas to <i>vulnerable household customers and customers affected by or at risk of energy poverty</i> . Such public interventions shall be subject to the conditions set out in paragraphs 4, <i>4a</i> and 5.	3. By way of derogation from paragraphs 1 and 2, Member States may apply public interventions in the price setting for the supply of natural gas to energy poor or vulnerable household customers. Such public interventions shall be subject to the conditions set out in paragraphs 4 and 5.	3. By way of derogation from paragraphs 1 and 2, Member States may apply public interventions in the price setting for the supply of natural gas to energy poor or vulnerable household customers. Such public interventions shall be subject to the conditions set out in paragraphs 4 and 5. Text Origin: Council Mandate
Article 4(4)				
256	4. Public interventions in the price setting for the supply of natural gas shall:	4. Public interventions in the price setting for the supply of natural gas shall:	4. Public interventions in the price setting for the supply of natural gas shall:	4. Public interventions in the price setting for the supply of natural gas shall: Text Origin: Commission Proposal
Article 4(4), point (a)				

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257	(a) pursue a general economic interest and not go beyond what is necessary to achieve that general economic interest;	(a) pursue a general economic interest and not go beyond what is necessary to achieve that general economic interest;	(a) pursue a general economic interest and not go beyond what is necessary to achieve that general economic interest;	(a) pursue a general economic interest and not go beyond what is necessary to achieve that general economic interest; Text Origin: Commission Proposal
Article 4(4), point (b)				
258	(b) be clearly defined, transparent, non-discriminatory and verifiable;	(b) be clearly defined, transparent, non-discriminatory and verifiable;	(b) be clearly defined, transparent, non-discriminatory and verifiable;	(b) be clearly defined, transparent, non-discriminatory and verifiable; Text Origin: Commission Proposal
Article 4(4), point (c)				
259	(c) guarantee equal access for Union natural gas undertakings to customers;	(c) guarantee equal access for Union natural gas undertakings to customers;	(c) guarantee equal access for Union natural gas undertakings to customers;	(c) guarantee equal access for Union natural gas undertakings to customers; Text Origin: Commission Proposal
Article 4(4), point (d)				
260	(d) be limited in time and proportionate as regards their beneficiaries;	(d) be limited in time and proportionate as regards their beneficiaries;	(d) be limited in time and proportionate as regards their beneficiaries;	(d) be limited in time and proportionate as regards their beneficiaries; Text Origin: Commission

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Proposal
Article 4(4), point (e)				
G 261	(e) not result in additional costs for market participants in a discriminatory way.	(e) not result in additional costs for market participants in a discriminatory way;	(e) not result in additional costs for market participants in a discriminatory way.	(e) not result in additional costs for market participants in a discriminatory way. Text Origin: Commission Proposal
Article 4(4), point (eb)				
G 261b		<i>4a. When applying public interventions in price setting for the supply of natural gas in accordance with paragraph 3 or 6, Members States shall provide all of the following:</i>		Delete 16.11.2023 Provisionally agreed
Article 4(4), point (ec)				
G 261c		<i>(a) financial and administrative support to beneficiaries for the purpose of investing in energy efficiency and renewable energy technologies;</i>		Delete 16.11.2023 Provisionally agreed
Article 4(4), point (ed)				
G 261d		<i>(b) decent and affordable social</i>		Delete

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>housing;</i>		16.11.2023 Provisionally agreed
Article 4(4), point (ed)				
g 261e		<i>(c) housing which complies with minimum energy performance standards;</i>		Delete 16.11.2023 Provisionally agreed
Article 4(4), point (ee)				
g 261f		<i>(d) access to information and advice on energy efficiency and renewable energy technologies.</i>		Delete 16.11.2023 Provisionally agreed
Article 4(5)				
g 262	5. Any Member State applying public interventions in the price setting for the supply of natural gas in accordance with paragraph 3 of this Article shall also comply with of Article 3(3), point (d) and with Article 24 of Regulation (EU) 2018/1999, regardless of whether the Member State concerned has a significant number of households in energy poverty.	5. Any Member State applying public interventions in the price setting for the supply of natural gas in accordance with paragraph 3 of this Article shall also comply with of Article 3(3), point (d) and with Article 24 of Regulation (EU) 2018/1999, regardless of whether the Member State concerned has a significant number of households <i>affected by energy poverty. An adequate regulatory and financial support framework shall be put in place to effectively address</i>	5. Any Member State applying public interventions in the price setting for the supply of natural gas in accordance with paragraph 3 of this Article shall also comply with of Article 3(3), point (d) and with Article 24 of Regulation (EU) 2018/1999, regardless of whether the Member State concerned has a significant number of households in energy poverty.	5. Any Member State applying public interventions in the price setting for the supply of natural gas in accordance with paragraph 3 of this Article shall also comply with of Article 3(3), point (d) and with Article 24 of Regulation (EU) 2018/1999, regardless of whether the Member State concerned has a significant number of households in energy poverty. Prior to the removal of public interventions in the price setting for the supply of natural gas,

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		<i>customers affected by or at risk of energy poverty prior to the removal of public interventions in the price setting for the supply of natural gas.</i>		<u>Member States shall ensure adequate support measures for energy poor and vulnerable household customers in accordance with paragraph 2.</u> 16.11.2023 Provisionally agreed
Article 4(6)				
263	6. For the purpose of a transition period to establish effective competition for natural gas supply contracts between suppliers, and to achieve fully effective market-based retail pricing of gas in accordance with paragraph 1, Member States may apply public interventions in the price setting for the supply of natural gas to household customers and to microenterprises that do not benefit from public interventions pursuant to paragraph 3.	6. For the purpose of a transitional period to establish effective competition for natural gas supply contracts between suppliers, and to achieve fully effective market-based and affordable retail pricing of gas in accordance with paragraph 1 of this Article , Member States may apply public interventions in the price setting for the supply of natural gas to household customers and to microenterprises that do not benefit from public interventions pursuant to paragraph 3 of this Article, as well as, in exceptional circumstances, to other limited number of customer groups, such as protected customers as defined in Article 2, point (5), of Regulation (EU) 2017/1938, in order to avoid significant impact on the economy and society.	6. For the purpose of a transition period to establish effective competition for natural gas supply contracts between suppliers, and to achieve fully effective market-based retail pricing of gas in accordance with paragraph 1, Member States may apply public interventions in the price setting for the supply of natural gas to household customers ~~and to microenterprises~~ that do not benefit from public interventions pursuant to paragraph 3 and to microenterprises.	6. For the purpose of a ~~transition~~ transitional period to establish effective competition for natural gas supply contracts between suppliers, and to achieve fully effective market-based and affordable retail pricing of gas in accordance with paragraph 1 of this Article , Member States may apply public interventions in the price setting for the supply of natural gas to household customers ~~and to microenterprises~~ that do not benefit from public interventions pursuant to paragraph 3 and to microenterprises. 16.11.2023 Provisionally agreed

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	Article 4(7)			
264	7. Public interventions pursuant to paragraph 6 shall comply with the criteria set out in paragraph 4 and shall:	7. Public interventions pursuant to paragraph 6 shall comply with the criteria set out in <i>paragraphs 4 and 4a</i> and shall:	7. Public interventions pursuant to paragraph 6 shall comply with the criteria set out in paragraph 4 and shall:	7. Public interventions pursuant to paragraph 6 shall comply with the criteria set out in paragraph 4 and shall: Text Origin: Commission Proposal
	Article 4(7), point (a)			
265	(a) be accompanied by a set of measures to achieve effective competition and a methodology for assessing progress with regard to those measures;	(a) be accompanied by a set of measures to achieve effective competition and a methodology for assessing progress with regard to those measures;	(a) be accompanied by a set of measures to achieve effective competition and a methodology for assessing progress with regard to those measures;	(a) be accompanied by a set of measures to achieve effective competition and a methodology for assessing progress with regard to those measures; Text Origin: Commission Proposal
	Article 4(7), point (b)			
266	(b) be set using a methodology that ensures non-discriminatory treatment of suppliers;	(b) be set using a methodology that ensures non-discriminatory treatment of suppliers;	(b) be set using a methodology that ensures non-discriminatory treatment of suppliers;	(b) be set using a methodology that ensures non-discriminatory treatment of suppliers; Text Origin: Commission Proposal
	Article 4(7), point (c)			

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267	(c) be set at a price that is above cost, at a level where effective price competition can occur;	(c) be set at a price that is above cost, at a level where effective price competition can occur;	(c) be set at a price that is above cost, at a level where effective price competition can occur;	(c) be set at a price that is above cost, at a level where effective price competition can occur; Text Origin: Commission Proposal
Article 4(7), point (d)				
268	(d) be designed to minimise any negative impact on the wholesale natural gas market;	(d) be designed to minimise any negative impact on the wholesale natural gas market;	(d) be designed to minimise any negative impact on the wholesale natural gas market;	(d) be designed to minimise any negative impact on the wholesale natural gas market; Text Origin: Commission Proposal
Article 4(7), point (e)				
269	(e) ensure that all beneficiaries of such public interventions have the possibility to choose competitive market offers and are directly informed at least every quarter of the availability of offers and savings in the competitive market, and shall ensure that they are provided with assistance to switch to a market-based offer;	(e) ensure that all beneficiaries of such public interventions have the possibility to choose competitive market offers and are directly informed at least every quarter of the availability of offers and savings in the competitive market, and shall ensure that they are provided with assistance to switch to a market-based offer;	(e) ensure that all beneficiaries of such public interventions have the possibility to choose competitive market offers and are directly informed at least every quarter of the availability of offers and savings in the competitive market, and shall ensure that they are provided with assistance to switch to a market-based offer;	(e) ensure that all beneficiaries of such public interventions have the possibility to choose competitive market offers and are directly informed at least every quarter of the availability of offers and savings in the competitive market, and shall ensure that they are provided with assistance to switch to a market-based offer; Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 4(7), point (f)				
270	(f) ensure that, pursuant to Articles 18 and 19, all beneficiaries of such public interventions are entitled to, and are offered to, have smart meters installed at no extra upfront cost to the customer, are directly informed of the possibility of installing smart meters and are provided with necessary assistance;	(f) ensure that, pursuant to Articles 18 and 19, all beneficiaries of such public interventions are entitled to, and are offered to, have smart meters installed at no extra upfront cost to the customer, are directly informed of the possibility of installing smart meters and are provided with necessary assistance;	(f) ensure that, pursuant to Articles 18 and 19, all beneficiaries of such public interventions are entitled to, and are offered to, in case the Member State proceeds with the deployment of smart metering systems in accordance with Article 16, have smart meters installed at no extra upfront cost to the customer that all beneficiaries of such public interventions , are directly informed of the possibility of installing smart meters and are provided with necessary assistance;	(f) ensure ~~that, pursuant to Articles 18 and 19, all beneficiaries of such public interventions are entitled to, and are offered to, have smart meters installed at no extra upfront cost to the customer,~~ <u>in case the Member State proceeds with the deployment of smart metering systems in accordance with Article 16, that all beneficiaries of such public interventions,</u> are directly informed of the possibility of installing smart meters and are provided with necessary assistance; 16.11.2023 provisionally agreed
Article 4(7), point (g)				
271	(g) not lead to direct cross-subsidisation between customers supplied at free market prices and those supplied at regulated supply prices.	(g) not lead to direct cross-subsidisation between customers supplied at free market prices and those supplied at regulated supply prices.	(g) not lead to direct cross-subsidisation between customers supplied at free market prices and those supplied at regulated supply prices.	(g) not lead to direct cross-subsidisation between customers supplied at free market prices and those supplied at regulated supply prices. Text Origin: Commission Proposal
Article 4(8)				

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272	8. Member States shall notify the measures taken in accordance with paragraphs 3 and 6 to the Commission within one month after their adoption and may apply them immediately. The notification shall be accompanied by an explanation of why other instruments were not sufficient to achieve the objective pursued, of how the requirements set out in paragraphs 4 and 7 are fulfilled and of the effects of the notified measures on competition. The notification shall describe the scope of the beneficiaries, the duration of the measures and the number of household customers affected by the measures, and shall explain how the regulated prices have been determined.	8. Member States shall notify the measures taken in accordance with paragraphs 3 and 6 to the Commission within one month after their adoption and may apply them immediately. The notification shall be accompanied by an explanation of why other instruments were not sufficient to achieve the objective pursued, of how the requirements set out in paragraphs 4, 4a, 5 and 7 are fulfilled and of the effects of the notified measures on competition. The notification shall describe the scope of the beneficiaries, in particular vulnerable household customers and customers affected by or at risk of energy poverty, as well as potential other beneficiaries, the duration of the measures and the number of household customers affected by the measures, and shall explain how the regulated prices have been determined.	8. Member States shall notify the measures taken in accordance with paragraphs 3 and 6 to the Commission within one month after their adoption and may apply them immediately. The notification shall be accompanied by an explanation of why other instruments were not sufficient to achieve the objective pursued, of how the requirements set out in paragraphs 4 and 7 are fulfilled and of the effects of the notified measures on competition. The notification shall describe the scope of the beneficiaries, the duration of the measures and the number of household customers affected by the measures, and shall explain how the regulated prices have been determined.	8. Member States shall notify the measures taken in accordance with paragraphs 3 and 6 to the Commission within one month after their adoption and may apply them immediately. The notification shall be accompanied by an explanation of why other instruments were not sufficient to achieve the objective pursued, of how the requirements set out in paragraphs 4, <u>5</u> and 7 are fulfilled and of the effects of the notified measures on competition. The notification shall describe the scope of the <u>beneficiaries, in particular energy poor and vulnerable household customers, as well as potential other</u> beneficiaries, the duration of the measures and the number of household customers affected by the measures, and shall explain how the regulated prices have been determined. 16.11.2023 provisionally agreed
Article 4(9)				
273	9. From 15 March 2025, and every two years thereafter, as part of the	9. From 15 March 2025, and every two years thereafter, as part of the	9. From 15 March 2025, and every two years thereafter, as part of the	9. From 15 March 2025, and every two years thereafter, as part of the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	integrated national energy and climate progress reports, Member States shall submit reports to the Commission on the implementation of this Article, the necessity and proportionality of public interventions under this Article, and an assessment of the progress towards achieving effective competition between suppliers and the transition to market-based prices. Member States that apply regulated prices in accordance with paragraph 6 shall report on the compliance with the conditions set out in paragraph 7, including on compliance by suppliers that are required to apply such interventions, as well as on the impact of regulated prices on the finances of those suppliers.	integrated national energy and climate progress reports, Member States shall submit reports to the Commission on the implementation of this Article, the necessity and proportionality of public interventions under this Article, and an assessment of the progress towards achieving effective competition between suppliers and the transition to market-based prices. Member States that apply regulated prices in accordance with paragraph 6 shall report on the compliance with the conditions set out in paragraph 7, including on compliance by suppliers that are required to apply such interventions, as well as on the impact of regulated prices on the finances of those suppliers.	integrated national energy and climate progress reports, Member States shall submit reports to the Commission on the implementation of this Article, the necessity and proportionality of public interventions under this Article, and an assessment of the progress towards achieving effective competition between suppliers and the transition to market-based prices. Member States that apply regulated prices in accordance with paragraph 6 shall report on the compliance with the conditions set out in paragraph 7, including on compliance by suppliers that are required to apply such interventions, as well as on the impact of regulated prices on the finances of those suppliers.	integrated national energy and climate progress reports, Member States shall submit reports to the Commission on the implementation of this Article, the necessity and proportionality of public interventions under this Article, and an assessment of the progress towards achieving effective competition between suppliers and the transition to market-based prices. Member States that apply regulated prices in accordance with paragraph 6 shall report on the compliance with the conditions set out in paragraph 7, including on compliance by suppliers that are required to apply such interventions, as well as on the impact of regulated prices on the finances of those suppliers. Text Origin: Commission Proposal
Article 4(10)				
274	10. The Commission shall review and submit a report to the European Parliament and to the Council on the implementation of this Article for the purpose of achieving market-based retail	10. The Commission shall review and submit a report to the European Parliament and to the Council on the implementation of this Article for the purpose of achieving market-based retail	10. The Commission shall review and submit a report to the European Parliament and to the Council on the implementation of this Article for the purpose of achieving market-based retail	10. The Commission shall review and submit a report to the European Parliament and to the Council on the implementation of this Article for the purpose of achieving market-based retail

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	pricing of natural gas, together with or followed by a legislative proposal, if appropriate. This report may be combined with the report on the implementation of Article 5 of Directive (EU) 2019/944. That legislative proposal may include an end date for regulated prices.	pricing of natural gas, together with or followed by a legislative proposal, if appropriate. <i>That legislative proposal may include an end date for regulated prices. That report shall, where appropriate, include an assessment of the impact of those measures on the progress in achieving the Union's climate neutrality objective and the other energy and climate objectives laid down in applicable Union energy law. That report may be combined with the report on the implementation of Article 5 of Directive (EU) 2019/944. █</i>	pricing of natural gas, together with or followed by a legislative proposal, if appropriate. This report may be combined with the report on the implementation of Article 5 of Directive (EU) 2019/944. That legislative proposal may include an end date for regulated prices.	pricing of natural gas, together with or followed by a legislative proposal, if appropriate. <i>~~This~~ That report shall, where appropriate, include an assessment of the impact of those measures on the progress in achieving the Union's climate neutrality objective and the other energy and climate objectives. That</i> report may be combined with the report on the implementation of Article 5 of Directive (EU) 2019/944. That legislative proposal may include an end date for regulated prices. 16.11.2023 provisionally agreed
Article 5				
275	Article 5 Public service obligations	Article 5 Public service obligations	Article 5 Public service obligations	Article 5 Public service obligations Text Origin: Commission Proposal
Article 5(1)				
276	1. Member States shall ensure, on the basis of their institutional organisation and with due regard to the principle of subsidiarity, that,	1. Member States shall ensure, on the basis of their institutional organisation and with due regard to the principle of subsidiarity, that,	1. Member States shall ensure, on the basis of their institutional organisation and with due regard to the principle of subsidiarity, that,	1. Member States shall ensure, on the basis of their institutional organisation and with due regard to the principle of subsidiarity, that,

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	without prejudice to paragraph 2, natural gas and hydrogen undertakings are operated in accordance with the principles of this Directive with a view to achieving a competitive, secure and environmentally sustainable market in gases, and shall not discriminate between those undertakings as regards their rights or obligations.	without prejudice to paragraph 2, natural gas and hydrogen undertakings are operated in accordance with the principles of this Directive with a view to achieving a competitive, secure and environmentally sustainable gas market. Member States shall not discriminate between those undertakings as regards their rights or obligations and shall not discriminate between undertakings providing the same services on the basis of renewables or by means of electrification directly from renewables.	without prejudice to paragraph 2, natural gas and hydrogen undertakings are operated in accordance with the principles of this Directive with a view to achieving a competitive, secure and environmentally sustainable market in gases, and shall not discriminate between those undertakings as regards their rights or obligations.	without prejudice to paragraph 2, natural gas and hydrogen undertakings are operated in accordance with the principles of this Directive with a view to achieving a competitive, secure and environmentally sustainable market in gases, ~~and~~ <u>Member States</u> shall not discriminate between those undertakings as regards their rights or obligations. 16.11.2023 Provisionally agreed
Article 5(2)				
277	2. Having full regard to the relevant provisions of the TFEU, in particular Article 106 thereof, Member States may impose on natural gas and hydrogen undertakings, in the general economic interest, public service obligations which may relate to security, including security of supply, regularity, and quality of supplies, and environmental protection, including energy efficiency, energy from renewable	2. Having full regard to the relevant provisions of the TFEU, in particular Article 106 thereof, Member States may impose on natural gas and hydrogen undertakings, in the general economic interest, public service obligations which may relate to security, including security of supply, regularity, quality and price of supplies, and environmental protection, including energy efficiency, energy	2. Having full regard to the relevant provisions of the TFEU, in particular Article 106 thereof, Member States may impose on natural gas and hydrogen undertakings , in the general economic interest, public service obligations which may relate to security, including security of supply, regularity, and quality of supplies, and environmental protection, including energy efficiency, energy from renewable	2. Having full regard to the relevant provisions of the TFEU, in particular Article 106 thereof, Member States may impose on natural gas and hydrogen undertakings, in the general economic interest, public service obligations which may relate to security, including security of supply, regularity, and quality of supplies, and environmental protection, including energy efficiency, energy from renewable

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	sources and climate protection. Such obligations shall be clearly defined, transparent, non-discriminatory, verifiable and shall guarantee equality of access for natural gas undertakings and hydrogen undertakings of the Union to national consumers.	from renewable sources and climate protection <i>and existing requirements to reduce or switch from fossil gas consumption</i> . Such obligations shall be clearly defined, transparent, non-discriminatory, verifiable and shall guarantee equality of access for natural gas undertakings and hydrogen undertakings of the Union to national consumers. <i>Public service obligations which concern public interventions in the price setting for the supply of gas shall comply with the requirements set out in Article 4. As regards the security of supply, energy efficiency/demand-side management and for the fulfilment of environmental goals and goals for energy from renewable sources, as referred to in this paragraph, Member States may introduce the implementation of long-term planning, taking into account the possibility of third parties seeking access to the system.</i>	sources and climate protection and to the price of natural gas supply . Such obligations shall be clearly defined, transparent, non-discriminatory, verifiable and shall guarantee equality of access for natural gas undertakings and hydrogen undertakings of the Union to national consumers.	sources and climate protection <u>and to the price of natural gas supply</u> . Such obligations shall be clearly defined, transparent, non-discriminatory, verifiable and shall guarantee equality of access for natural gas undertakings and hydrogen undertakings of the Union to national consumers. <u>Public service obligations which concern public interventions in the price setting for the supply of gas shall comply with the requirements set out in Article 4.</u> 16.11.2023 Provisionally agreed
	Article 5(3)			
278	3. Public service obligations related to the security of gas supply	3. Public service obligations related to the security of gas supply	3. Public service obligations related to the security of gas supply	3. Public service obligations related to the security of gas supply

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	shall not go beyond what is necessary to ensure compliance with the gas supply standards pursuant to Article 6 of Regulation (EU) 2017/1938 and shall be coherent with the results of the national risk assessments carried out pursuant to Article 7(3), as detailed in the Preventive Action Plans prepared pursuant to Article 9(1), points (c),(d) and (k) of the same Regulation.	shall not go beyond what is necessary to ensure compliance <i>of natural gas undertakings</i> with the gas supply standards pursuant to Article 6 of Regulation (EU) 2017/1938 and shall be coherent with the results of the national risk assessments carried out pursuant to Article 7(3), as detailed in the Preventive Action Plans prepared pursuant to Article 9(1), points (c), (d) and (k) of <i>that</i> Regulation.	~~shall not go beyond what is necessary to ensure compliance~~ comply with the gas supply standards pursuant to Article 6 of Regulation (EU) 2017/1938 and shall be coherent with the results of the national risk assessments carried out pursuant to Article 7(3), as detailed in the Preventive Action Plans prepared pursuant to Article 9(1), points (c),(d) and (k) of the same Regulation. Public service obligations going beyond what is necessary to ensure compliance with Article 6 of Regulation (EU) 2017/1938 shall be compliant with the criteria set out in Article 8(1) of Regulation (EU) 2017/1938.	shall ~~not go beyond what is necessary to ensure~~ ensure compliance of natural gas undertakings with the gas supply standards pursuant to Article 6 of Regulation (EU) 2017/1938 and shall be coherent with the results of the national risk assessments carried out pursuant to Article 7(3), as detailed in the Preventive Action Plans prepared pursuant to Article 9(1), points (c),(d) and (k) of the same Regulation. <u>Public service obligations going beyond what is necessary to ensure compliance with Article 6 of Regulation (EU) 2017/1938 shall be compliant with the criteria set out in Article 8(1) of Regulation (EU) 2017/1938.</u> 16.11.2023 Provisionally agreed
Article 5(4)				
279	4. Where financial compensation or other forms of compensation are granted by a Member State for the fulfilment of the obligations set out in this Article, it shall be done in a non-discriminatory and transparent way.	4. Where financial compensation or other forms of compensation are granted by a Member State for the fulfilment of the obligations set out in this Article, it shall be done in a non-discriminatory and transparent way.	4. Where financial compensation or other forms of compensation are granted by a Member State for the fulfilment of the obligations set out in this Article, it shall be done in a non-discriminatory and transparent way.	4. Where financial compensation or other forms of compensation are granted by a Member State for the fulfilment of the obligations set out in this Article, it shall be done in a non-discriminatory and transparent way.

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				16.11.2023 Provisionally agreed Text Origin: Commission Proposal
Article 5(5)				
280	5. Member States shall, upon implementation of this Directive, inform the Commission of all measures adopted to fulfil public service obligations, including consumer and environmental protection, and their possible effect on national and international competition, whether or not such measures require a derogation from the provisions of this Directive. They shall notify the Commission subsequently every two years of any changes to such measures, whether or not they require a derogation from this Directive.	5. Member States shall, upon implementation of this Directive, inform the Commission of all measures adopted to fulfil public service obligations, including consumer and environmental protection, and their possible effect on national and international competition, whether or not such measures require a derogation from the provisions of this Directive. They shall notify the Commission subsequently every two years of any changes to such measures, whether or not they require a derogation from this Directive.	5. Member States shall, upon implementation of this Directive, inform the Commission of all measures adopted to fulfil public service obligations, including consumer and environmental protection, and their possible effect on national and international competition, whether or not such measures require a derogation from the provisions of this Directive. They shall notify the Commission subsequently every two years of any changes to such measures, whether or not they require a derogation from this Directive.	5. Member States shall, upon implementation of this Directive, inform the Commission of all measures adopted to fulfil public service obligations, including consumer and environmental protection, and their possible effect on national and international competition, whether or not such measures require a derogation from the provisions of this Directive. They shall notify the Commission subsequently every two years of any changes to such measures, whether or not they require a derogation from this Directive. 16.11.2023 Provisionally agreed Text Origin: Commission Proposal
Article 5(5a)				
280a		<i>5a. Any measure adopted to fulfil public service obligations</i>		<u>Delete</u>

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		<i>pursuant to this Article shall promote the energy efficiency first principle and further energy system integration, contribute to the prudent and rational use of natural resources and contribute to achieving the Union's climate and energy targets and the integrated national energy and climate plan and long-term strategy adopted under Regulation (EU) 2018/1999.</i>		16.11.2023 Provisionally agreed
Article 5(5b)				
G 280b		<i>5b. Member States shall consult relevant stakeholders when imposing or adopting a measure to fulfil public service obligations pursuant to this Article. Without prejudice to other consultation or transparency provisions laid down in Union or national law, those consultations shall take place at an early stage and in an open, inclusive and transparent manner. The participation in consultations shall be voluntary and all relevant stakeholders shall be invited, including regulatory authorities, the transmission and distribution system operator, associations and undertakings involved in</i>		<u>5b. When imposing public service obligations pursuant to paragraph 2 of this article, Member States shall consult relevant stakeholders at an early stage and in an open, inclusive and transparent manner. All official documents related to the consultations and documents used for development of the public service obligation shall be made public while preserving the confidentiality of commercially sensitive information and data protection.</u> 16.11.2023 Provisionally agreed

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		<i>production, supply and consumption of electricity, gas and hydrogen markets, heating and cooling, independent aggregators, demand-response operators, organisations involved in energy efficiency solutions, energy consumer associations, civil society representatives, research organisations and universities, where appropriate.</i>		
	Article 5(5c)			
g 280c		<i>The consultations shall aim to identify the views and proposals of all relevant stakeholders during the decision-making process as well as informing relevant stakeholders about the objectives of the measure referred to in the first subparagraph, why it is necessary and how it contributes to achieving the Union's climate and energy targets.</i>		Delete 16.11.2023 Provisionally agreed
	Article 5(5b)			
g 280d		<i>All official documents related to the consultations and documents used for development of the measure shall be made public</i>		Delete 16.11.2023 Provisionally agreed

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		<i>while preserving the confidentiality of commercially sensitive information and data protection.</i>		
Article 5(5c)				
280e		<i>To ensure early and effective participation in the consultations of the stakeholders referred to in the first subparagraph, Member States shall publish a draft decision or measure in a timely, adequate manner prior to its adoption, to allow the stakeholders provide their comments.</i>		<u>Delete</u> 16.11.2023 Provisionally agreed
Article 6				
281	Article 6 Promotion of regional cooperation and integration	Article 6 Promotion of regional cooperation and integration	Article 6 Promotion of regional cooperation and integration	Article 6 Promotion of regional cooperation and integration Text Origin: Commission Proposal
Article 6(1)				
282	1. Member States as well as the regulatory authorities shall	1. Member States as well as the regulatory authorities shall	1. Member States as well as the regulatory authorities shall	1. Member States as well as the regulatory authorities shall

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	cooperate with each other for the purpose of integrating their national markets at one and more regional levels, towards the creation of regional markets, where Member States as well regulatory authorities so decided, and further towards the creation of a fully liberalised internal market. In particular, the regulatory authorities where Member States have so provided or Member States shall promote and facilitate the cooperation of natural gas transmission system operators and hydrogen network operators at a regional level, including on cross-border issues, with the aim of creating a competitive internal market for gases, foster the consistency of their legal, regulatory and technical framework and facilitate integration of the isolated systems forming gas islands that persist in the Union. The geographical areas covered by such regional cooperation shall include cooperation in geographical areas defined in accordance with Article 28(3) of Recast Gas Regulation as proposed in COM(2021) 804 final. Such cooperation may cover other	cooperate with each other for the purpose of integrating their national markets at one and more regional levels, towards the creation of regional markets, where Member States as well regulatory authorities so decided, and further towards the creation of a fully liberalised internal market. In particular, the regulatory authorities where Member States have so provided or Member States shall promote and facilitate the cooperation of natural gas transmission system operators and hydrogen network operators at a regional level, including on cross-border issues <i>and on the decommissioning of assets</i>, with the aim of <i>ensuring cost-effective decarbonisation and</i> creating a competitive internal market for <i>gas</i>, foster the consistency of their legal, regulatory and technical framework and facilitate integration of the isolated systems forming gas islands that persist in the Union. The geographical areas covered by such regional cooperation shall include cooperation in geographical areas defined in accordance with Article 28(3) of Recast Gas Regulation as	cooperate with each other for the purpose of integrating their national markets at one and more regional levels, towards the creation of regional markets, where Member States as well regulatory authorities so decided, and further towards the creation of a fully liberalised internal market. In particular, the regulatory authorities where Member States have so provided or Member States shall promote and facilitate the cooperation of natural gas transmission system operators and hydrogen network operators at a regional level, including on cross-border issues, with the aim of creating a competitive internal market for gases , foster the consistency of their legal, regulatory and technical framework and facilitate integration of the isolated systems forming gas islands that persist in the Union. The geographical areas covered by such regional cooperation shall include cooperation in geographical areas defined in accordance with Article 28(3) of Recast Gas Regulation as proposed in COM(2021) 804 ~~final~~ . Such cooperation may cover other	cooperate with each other for the purpose of integrating their national markets at one and more regional levels, towards the creation of regional markets, where Member States as well regulatory authorities so decided, and further towards the creation of a fully liberalised internal market. In particular, the regulatory authorities where Member States have so provided or Member States shall promote and facilitate the cooperation of natural gas transmission system operators and hydrogen network operators at a regional level, including on cross-border issues <u><i>and on the decommissioning of assets</i></u>, with the aim of <u><i>ensuring cost-effective decarbonisation in line with the Union's climate neutrality objective and</i></u> creating a competitive internal market for gases, foster the consistency of their legal, regulatory and technical framework and facilitate integration of the isolated systems forming gas islands that persist in the Union. The geographical areas covered by such regional cooperation shall include cooperation in geographical areas

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	geographical areas. Where the Commission considers that the rules at Union level are relevant for the regional integration of markets for gases, it shall provide appropriate guidance taking into account the specificities of these markets and the impact on neighbouring markets.	proposed in COM(2021) 804 final. Such cooperation may cover other geographical areas. Where the Commission considers that the rules at Union level are relevant for the regional integration of markets for gas , it shall provide appropriate guidance taking into account the specificities of these markets and the impact on neighbouring markets.	geographical areas. Where the Commission considers that the rules at Union level are relevant for the regional integration of markets for gases, it shall provide appropriate non-binding guidance taking into account the specificities of these markets and the impact on neighbouring markets.	defined in accordance with Article 28(3) of Recast Gas Regulation as proposed in COM(2021) 804 final. Such cooperation may cover other geographical areas. Where the Commission considers that the rules at Union level are relevant for the regional integration of markets for gases, it shall provide appropriate <u>non-binding</u> guidance taking into account the specificities of these markets and the impact on neighbouring markets. 16.11.2023 provisionally agreed. Gas/gases issue to be solved horizontally
Article 6(2)				
283	2. The Agency for the Cooperation of Energy Regulators ('ACER') shall cooperate with regulatory authorities and transmission system operators to ensure the compatibility of regulatory frameworks between and within the regions with the aim of creating a competitive internal market in gases. Where ACER considers that binding rules on such cooperation are required, it shall make appropriate recommendations.	2. The Agency for the Cooperation of Energy Regulators ('ACER') shall cooperate with regulatory authorities and transmission system operators to ensure the compatibility of regulatory frameworks between and within the regions with the aim of creating a competitive internal market in gas that is compatible with the Union's climate neutrality objective . Where ACER considers that binding rules on such	2. The Agency for the Cooperation of Energy Regulators- ('ACER') shall cooperate with regulatory authorities and transmission system operators and hydrogen network operators to ensure the compatibility of regulatory frameworks between and within the regions with the aim of creating a competitive internal market in gases. Where ACER considers that binding rules on such cooperation are required, it shall make	2. The Agency for the Cooperation of Energy Regulators ('ACER') shall cooperate with regulatory authorities and transmission system operators <u>and hydrogen network operators</u> to ensure the compatibility of regulatory frameworks between and within the regions with the aim of creating a competitive internal market in gases. Where ACER considers that binding rules on such cooperation are required, it shall make

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		cooperation are required, it shall make appropriate recommendations.	appropriate recommendations.	appropriate recommendations. 16.11.2023 provisionally agreed. Gas/gases issue to be solved horizontally
Article 6(3)				
284	3. Where vertically integrated transmission system operators participate in a joint undertaking established for implementing such cooperation, the joint undertaking shall establish and implement a compliance programme which sets out the measures to be taken to ensure that discriminatory and anticompetitive conduct is excluded. That compliance programme shall set out the specific obligations of employees to meet the objective of excluding discriminatory and anticompetitive conduct. It shall be subject to the approval of ACER. Compliance with the programme shall be independently monitored by the compliance officers of the vertically integrated transmission system operators.	3. Where vertically integrated transmission system operators participate in a joint undertaking established for implementing such cooperation, the joint undertaking shall establish and implement a compliance programme which sets out the measures to be taken to ensure that discriminatory and anticompetitive conduct is excluded. That compliance programme shall set out the specific obligations of employees to meet the objective of excluding discriminatory and anticompetitive conduct. It shall be subject to the approval of ACER. Compliance with the programme shall be independently monitored by the compliance officers of the vertically integrated transmission system operators.	3. Where vertically integrated transmission system operators participate in a joint undertaking established for implementing such cooperation, the joint undertaking shall establish and implement a compliance programme which sets out the measures to be taken to ensure that discriminatory and anticompetitive conduct is excluded. That compliance programme shall set out the specific obligations of employees to meet the objective of excluding discriminatory and anticompetitive conduct. It shall be subject to the approval of ACER. Compliance with the programme shall be independently monitored by the compliance officers of the vertically integrated transmission system operators.	3. Where vertically integrated transmission system operators participate in a joint undertaking established for implementing such cooperation, the joint undertaking shall establish and implement a compliance programme which sets out the measures to be taken to ensure that discriminatory and anticompetitive conduct is excluded. That compliance programme shall set out the specific obligations of employees to meet the objective of excluding discriminatory and anticompetitive conduct. It shall be subject to the approval of ACER. Compliance with the programme shall be independently monitored by the compliance officers of the vertically integrated transmission system operators. Text Origin: Commission Proposal

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	Article 7(2a)			
287a			2a. For natural gas suppliers, Member States may assess financial strength and technical capabilities of applicants as a criterion for authorization. Such criterion should be fully transparent and non-discriminatory.	<u>2a. For natural gas suppliers, Member States may assess financial strength and technical capabilities of applicants as a criterion for authorization. Such criterion should be fully transparent and non-discriminatory.</u> 9.11.2023 Provisionally agreed
	Article 7(4)			
289	4. Member States shall assess which legislative and non-legislative measures are necessary to streamline authorisation procedures, including any procedural steps related to environmental impact assessment procedures. Member States shall report to the European Commission on the results of such an assessment as part of their integrated national energy and climate plans as referred to in, and in accordance with, the procedure set out in Article 3 and Articles 7 to 12 of Regulation (EU)	4. Member States shall assess which legislative and non-legislative measures are necessary to streamline authorisation procedures, including, without hampering, any procedural steps related to environmental impact assessment procedures and public consultations. Member States shall report to the European Commission on the results of such an assessment as part of their integrated national energy and climate plans as referred to in, and in accordance with, the procedure set out in Article 3 and Articles 7	4. Member States shall assess which national legislative and non-legislative measures are necessary to streamline authorisation procedures, including any procedural steps related to environmental impact assessment procedures. Member States shall report to the European Commission on the results of such an assessment as part of their integrated national energy and climate plans as referred to in, and in accordance with, the procedure set out in Article 3 and Articles 7 to 12 of Regulation (EU)	4. Member States shall assess which <u>national</u> legislative and non-legislative measures are necessary to streamline authorisation procedures, including, <u>without hampering</u>, any procedural steps related to environmental impact assessment procedures <u>and public consultations</u>. Member States shall report to the European Commission on the results of such an assessment as part of their integrated national energy and climate plans as referred to in, and in accordance with, the procedure set out in Article 3 and Articles 7

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	2018/1999, and as part of their integrated national energy and climate progress reports pursuant to Article 17 of Regulation (EU) 2018/1999.	to 12 of Regulation (EU) 2018/1999, and as part of their integrated national energy and climate progress reports pursuant to Article 17 of Regulation (EU) 2018/1999.	2018/1999, and as part of their integrated national energy and climate progress reports pursuant to Article 17 of Regulation (EU) 2018/1999.	to 12 of Regulation (EU) 2018/1999, and as part of their integrated national energy and climate progress reports pursuant to Article 17 of Regulation (EU) 2018/1999. 9.11.2023 Provisionally agreed
Article 7(6)				
291	6. Member States shall set up or designate one or more contact points. Those contact points shall, upon request by the applicant, and free of charge, guide through and facilitate the entire authorisation procedure for the activities referred to in paragraph 1 up to the delivery by the responsible authorities at the end of the procedure. The applicant shall not be required to contact more than one contact point for the entire process.	6. Member States shall set up or designate one or more contact points. Those contact points shall, upon request by the applicant, and free of charge, guide through and facilitate the entire authorisation procedure for the activities referred to in paragraph 1 up to the delivery by the responsible authorities at the end of the procedure. The applicant shall not be required to contact more than one contact point for the entire process.	6. Member States shall set up or designate one or more contact points. Those contact points shall, upon request by the applicant, and free of charge, guide through and facilitate the entire authorisation procedure for the activities referred to in paragraph 1 up to the delivery by the responsible authorities at the end of the procedure. The applicant shall not be required to contact more than one contact point for the entire process.	6. Member States shall set up or designate one or more contact points. Those contact points shall, upon request by the applicant, and free of charge, guide through and facilitate the entire authorisation procedure for the activities referred to in paragraph 1 up to the delivery by the responsible authorities at the end of the procedure. The applicant shall not be required to contact more than one contact point for the entire process. Text Origin: Commission Proposal
Article 7(7)				
292	7. Member States shall ensure that authorisations under national law	7. Member States shall ensure that authorisations under national law	7. Member States shall ensure that authorisations under national law	7. Member States shall ensure that authorisations under national law

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	for the construction and operation of natural gas pipelines and other network assets used for the transport of natural gas shall apply also to pipelines and network assets for the transport of hydrogen.	for the construction and operation of natural gas pipelines and other network assets used for the transport of natural gas shall apply also to pipelines and network assets for the transport of hydrogen.	for the construction and operation of natural gas system infrastructure also apply to hydrogen system infrastructure. This is without prejudice to the right of Member States to revoke these authorisations if the hydrogen infrastructure does not comply with technical safety rules for hydrogen system infrastructure set out in Union or national law ~~pipelines and other network assets used for the transport of natural gas shall apply also to pipelines and network assets for the transport of hydrogen.~~	for the construction and operation of natural gas ~~pipelines and other network assets used for the transport of natural gas shall apply also to pipelines and network assets for the transport of~~ <u>system infrastructure also apply to hydrogen system infrastructure.</u> This is without prejudice to the right of Member States to revoke these authorisations if the <u>hydrogen infrastructure does not comply with technical safety rules for hydrogen system infrastructure set out in Union or national law.</u> Provisionally agreed 9.11.2023
Article 7(8)				
293	8. Member States shall ensure that existing contractual land-use rights for the construction and operation of natural gas pipelines and other network assets shall be understood as encompassing also pipelines and other network assets for the transport of hydrogen.	8. Member States shall ensure that existing contractual land-use rights for the construction and operation of natural gas pipelines and other network assets shall be understood as encompassing also pipelines and other network assets for the transport of hydrogen.	8. Member States shall ensure that existing ~~contractual~~ land-use rights for the construction and operation of natural gas pipelines and other network assets shall be ~~understood as encompassing also~~ also applied to pipelines and other network assets for the transport of hydrogen.	8. Member States shall ensure that existing ~~contractual~~ land-use rights for the construction and operation of natural gas pipelines and other network assets shall be ~~understood as encompassing also~~ <u>also applied to</u> pipelines and other network assets for the transport of hydrogen. Provisionally agreed 9.11.2023

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Article 7(9)				
294	9. Member States shall ensure that the reasons for any refusal to grant an authorisation are objective and non-discriminatory and that they are given to the applicant. Reasons for such refusals shall be notified to the Commission for information. Member States shall establish a procedure enabling the applicant to appeal against such refusals.	9. Member States shall ensure that the reasons for any refusal to grant an authorisation are objective and non-discriminatory and that they are given to the applicant. Reasons for such refusals shall be notified to the Commission for information. Member States shall establish a procedure enabling the applicant to appeal against such refusals.	9. Member States shall ensure that the reasons for any refusal to grant an authorisation are objective and non-discriminatory and that they are given to the applicant. Reasons for such refusals shall be notified to the Commission for information. Member States shall establish a procedure enabling the applicant to appeal against such refusals.	9. Member States shall ensure that the reasons for any refusal to grant an authorisation are objective and non-discriminatory and that they are given to the applicant. Reasons for such refusals shall be notified to the Commission for information. Member States shall establish a procedure enabling the applicant to appeal against such refusals. Text Origin: Commission Proposal
Article 8(1)				
297	1. Renewable gases shall be certified in accordance with Articles 29 and 30 of Directive (EU) 2018/2001.	1. Renewable gas shall be certified in accordance with Articles 29, 29a and 30 of Directive (EU) 2018/2001 [amended RED] .	1. For the purposes of certification of renewable gases and low carbon fuels, Member States shall be certified in accordance with Articles 29 and 30 require economic operators to show that the conditions for renewable gases set out in Article 25(2) and 29 of Directive (EU) 2018/2001 are complied with. Compliance with those sustainability and greenhouse gas saving criteria shall be demonstrated in accordance with Article 30 of that Directive.	1. Renewable gasesgas shall be certified in accordance with Articles 29, 29a and 30 of Directive (EU) 2018/2001. <u>Low-carbon fuels shall be certified in accordance with this Article.</u>

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Article 8(2)				
298	2. In order to ensure that the greenhouse gas emissions savings from the use of low carbon fuels and low carbon hydrogen are at least 70% in accordance with the definitions in Article 2, points (10) and (12), Member States shall require economic operators to show that this threshold and the requirements established in the methodology referred to in paragraph 5 of this Article have been complied with. For those purposes, they shall require economic operators to use a mass balance system in line with Article 30 (1) and (2) of Directive (EU) 2018/2001.	2. In order to ensure that the greenhouse gas emissions savings from the use of low-carbon fuels and low-carbon hydrogen are at least 70% in accordance with the definitions in Article 2, points (10) and (12), Member States shall require economic operators to show that this threshold and the requirements established in the methodology referred to in paragraph 5 of this Article have been complied with. For those purposes, they shall require economic operators to use a mass balance system in line with Article 30(1) and (2) of Directive (EU) 2018/2001.	2. In order to ensure that the greenhouse gas emissions savings from the use of low carbon fuels and low carbon hydrogen are at least 70% in accordance with the definitions in Article 2, points (10) and (12), Member States shall require economic operators to show that this threshold and the requirements established in the methodology referred to in paragraph 5 of this Article have been complied with. For those purposes, they shall require economic operators to use a mass balance system in line with Article 30 (1) and (2) of Directive (EU) 2018/2001.	2. In order to ensure that the greenhouse gas emissions savings from the use of ~~low-carbon~~ low-carbon fuels and ~~low-carbon~~ low-carbon hydrogen are at least 70% in accordance with the definitions in Article 2, points (10) and (12), Member States shall require economic operators to show that this threshold and the requirements established in the methodology referred to in paragraph 5 of this Article have been complied with. For those purposes, they shall require economic operators to use a mass balance system in line with Article ~~30 (1)~~ 30(1) and (2) of Directive (EU) 2018/2001. Text Origin: EP Mandate
Article 8(3)				
299	3. Member States shall ensure that economic operators submit reliable information regarding the compliance with the 70% greenhouse gas emissions savings threshold set in paragraph 2 and	3. Member States shall ensure that economic operators submit reliable information regarding the compliance with the 70 % greenhouse gas emissions savings threshold set in paragraph 2 and	3. Member States shall ensure that economic operators submit reliable information regarding the compliance with the 70% greenhouse gas emissions savings threshold set in paragraph 2 and	3. Member States shall ensure that economic operators submit reliable information regarding the compliance with the 70% greenhouse gas emissions savings threshold set in paragraph 2 and

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	with the greenhouse gas emissions saving methodology referred to in paragraph 5, and that economic operators make available to the relevant Member State, upon request, the data that were used to develop the information. Member States shall require economic operators to put in place an adequate standard of independent auditing of the information submitted, and to provide evidence that this has been done. The auditing shall verify that the systems used by economic operators are accurate, reliable and protected against fraud.	with the greenhouse gas emissions saving methodology referred to in paragraph 5, and that economic operators make available to the relevant Member State, upon request, the data that were used to develop the information. Member States shall require economic operators to put in place an adequate standard of independent auditing of the information submitted, and to provide evidence that this has been done. The auditing shall verify that the systems used by economic operators are accurate, reliable and protected against fraud.	with the greenhouse gas emissions saving methodology referred to in paragraph 5, and that economic operators make available to the relevant Member State, upon request, the data that were used to develop the information. Member States shall require economic operators to put in place an adequate standard of independent auditing of the information submitted, and to provide evidence that this has been done. The auditing shall verify that the systems used by economic operators are accurate, reliable and protected against fraud.	with the greenhouse gas emissions saving methodology referred to in paragraph 5, and that economic operators make available to the relevant Member State, upon request, the data that were used to develop the information. Member States shall require economic operators to put in place an adequate standard of independent auditing of the information submitted, and to provide evidence that this has been done. The auditing shall verify that the systems used by economic operators are accurate, reliable and protected against fraud. Text Origin: Commission Proposal
	Article 8(4)			
300	4. The obligations laid down in paragraph 2 shall apply regardless of whether low carbon fuels are produced within the Union or are imported. Information about the geographic origin and feedstock type of low carbon fuels or low carbon hydrogen per fuel supplier shall be made available to consumers on the websites of	4. The obligations laid down in paragraph 2 shall apply regardless of whether <i>low-carbon</i> fuels are produced within the Union or are imported. Information about the geographic origin, <i>recognition that the energy content is derived from non-renewable sources, the level of the GHG emissions reduction achieved</i> and feedstock type of	4. The obligations laid down in paragraph 2 shall apply regardless of whether low carbon fuels are produced within the Union or are imported. Information about the geographic origin and feedstock type of low carbon fuels or low carbon hydrogen per fuel supplier shall be made available to consumers on the websites of	4. The obligations laid down in paragraph 2 shall apply regardless of whether low carbon fuels are produced within the Union or are imported. Information about the geographic origin and feedstock type of low carbon fuels or low carbon hydrogen per fuel supplier shall be made available to consumers on the websites of

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	operators, suppliers or the relevant competent authorities and shall be updated on an annual basis.	<i>low-carbon</i> fuels or <i>low-carbon</i> hydrogen per fuel supplier shall be made available to consumers on the websites of operators, suppliers or the relevant competent authorities and shall be updated on an annual basis.	operators, suppliers or the relevant competent authorities and shall be updated on an annual basis.	operators, suppliers or the relevant competent authorities and shall be updated on an annual basis. Text Origin: Commission Proposal
Article 8(5)				
301	5. By 31 December 2024, the Commission shall adopt delegated acts in accordance with Article 83 to supplement this Directive by specifying the methodology for assessing greenhouse gas emissions savings from low carbon fuels. The methodology shall ensure that credit for avoided emissions is not given for carbon dioxide the capture of which has already received an emission credit under other provisions of law.	5. By ... <i>[six months after the date of entry into force of this Directive]</i> , the Commission shall adopt delegated acts in accordance with Article 83 to supplement this Directive by specifying the methodology for assessing greenhouse gas emissions savings from <i>low-carbon fuels, except for recycled carbon fuels as defined in Article 2, second subparagraph, point (35) of Directive (EU) 2018/2001 [amended RED]. The GHG emission savings from the use of low-carbon fuels shall be at least 70 % relative to a fossil fuel comparator with a threshold of 94 gCO₂eq/MJ and based on their life-cycle emissions taking into account the methodology used to determine the GHG emissions savings in accordance with Article 25(2) and Article 28(5) of</i>	5. By 31 December 2024 Within 12 months of entry into force of this Directive , the Commission shall adopt delegated acts in accordance with Article 83 to supplement this Directive by specifying the methodology for assessing greenhouse gas emissions savings from low carbon fuels. The methodology shall ensure that credit for avoided emissions is not given for carbon dioxide the capture of which has already received an emission credit under other provisions of law and shall be consistent with the methodology for assessing greenhouse gas emissions savings from renewable liquid and gaseous transport fuels of non-biological origin and from recycled carbon fuels.	5. ~~By 31 December 2024~~ <u>Within 12 months of entry into force of this Directive</u> , the Commission shall adopt delegated acts in accordance with Article 83 to supplement this Directive by specifying the methodology for assessing greenhouse gas emissions savings from ~~low-carbon~~ <u>low-carbon</u> fuels. The methodology shall ensure that credit for avoided emissions is not given for carbon dioxide <u>from fossil sources</u> the capture of which has already received an emission credit under other provisions of law <u>and shall cover the life-cycle greenhouse gas emissions and consider indirect emissions resulting from the diversion of rigid inputs.</u> <u>The methodology shall be consistent with the methodology for assessing greenhouse gas</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>Directive (EU) 2018/2001. To ensure comparable GHG emission savings across sectors, the Commission may, after conducting an impact assessment, differentiate between fossil fuel comparators in order to distinguish between end-use sectors. The methodology shall define clear, credible, science-based and realistic minimum carbon capture rates and upstream methane emissions performance standards that are in line with the relevant provisions referred to in Regulation (EU) of the European Parliament and the Council⁺²⁸ and take into account best available performance standards and industry initiatives which aim to eliminate its methane footprint and how low-carbon fuels shall comply with them. The methodology shall ensure that credit for avoided emissions is not given for carbon dioxide the capture of which has already received an emission credit under other provisions of law.</i> ⁺. OJ: Please insert in the text the number of the Regulation contained in document PE-CONS (2021/0423(COD)) and insert the number,		<u>emissions savings from renewable liquid and gaseous transport fuels of non-biological origin and from recycled carbon fuels. The methodology shall be consistent with the methodology for assessing greenhouse gas emissions savings from renewable liquid and gaseous transport fuels of non-biological origin and from recycled carbon fuels including the treatment of emissions due to the leakage of hydrogen and take into account methane upstream emissions and actual carbon capture rates.</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>date, title and OJ reference of that Regulation in the footnote. 28. Regulation (EU) .../... of the European Parliament and of the Council of ... on methane emissions reduction in the energy sector and amending Regulation (EU) 2019/942 (OJ L ...).</i>		
Article 8(5a)				
301a		<i>5a. The Commission is empowered to adopt delegated acts in accordance with Article 83 to amend this Directive by adapting the threshold referred to in paragraph 5 of this Article for low-carbon fuels produced in installations starting operations from 1 January 2031. The Commission shall avoid the double counting of recycled carbon fuels.</i>		<u>Deleted</u> Delete here and keep GA on Art 85 line 1048a.
Article 8(5b)				
301b		<i>5b. By ... [six months after the date of entry into force of this Directive], the Commission shall submit a report to the European Parliament and to the Council that evaluates hydrogen leakage, including environmental and climate risks, technical</i>		<u>5b. Where appropriate, the Commission shall submit a report to the European Parliament and to the Council that evaluates hydrogen leakage, including environmental and climate risks, technical specificities and adequate maximum hydrogen</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>specificities and adequate maximum hydrogen leakage rates. On the basis of that report, the Commission shall, if appropriate, submit a legislative proposal to introduce measures to minimise possible risks of hydrogen leakage, set maximum hydrogen leakage rates and compliance mechanisms. Relevant maximum hydrogen leakage rates shall be included in the methodology referred to in paragraph 5.</i>		<u>leakage rates. On the basis of that report, the Commission shall, if appropriate, submit a legislative proposal to introduce measures to minimise possible risks of hydrogen leakage, set maximum hydrogen leakage rates and compliance mechanisms. Relevant maximum hydrogen leakage rates shall be included in the methodology referred to in paragraph 5.</u> Provisionally agreed Text Origin: EP Mandate
Article 8(6)				
302	6. The Commission may decide that voluntary national or international schemes setting standards for the production of low carbon fuels or low carbon hydrogen provide accurate data on greenhouse gas emission savings for the purposes of this Article and demonstrate compliance with the methodology referred to in paragraph 5 of this Article.	6. The Commission may decide that voluntary national or international schemes setting standards for the production of low-carbon fuels or low-carbon hydrogen provide accurate data on greenhouse gas emission savings for the purposes of this Article and demonstrate compliance with the methodology referred to in paragraph 5 of this Article.	6. The Commission may decide that voluntary national or international schemes setting standards for the production of low carbon fuels or low carbon hydrogen provide accurate data on greenhouse gas emission savings for the purposes of this Article and demonstrate compliance with the methodology referred to in paragraph 5. The Commission shall adopt decisions only if the scheme in question meets adequate standards of reliability,	6. The Commission may decide that voluntary national or international schemes setting standards for the production of low carbon fuels or low carbon hydrogen provide accurate data on greenhouse gas emission savings for the purposes of this Article and demonstrate compliance with the methodology referred to in paragraph 5. <u>The Commission shall adopt decisions only if the scheme in question meets adequate standards of reliability,</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			transparency and independent auditing in line with the requirements set out in Regulation (EU) 2022/996 for the certification of renewable fuels of this Article.	<u>transparency and independent auditing in line with the requirements set out in Implementing Regulation (EU) 2022/996 for the certification of renewable fuels of this Article.</u> Text Origin: Council Mandate
Article 8(7)				
303	7. Where an economic operator provides evidence or data obtained in accordance with a scheme that has been the subject of a recognition pursuant to paragraph 6, a Member State shall not require the economic operator to provide further evidence of compliance with the criteria for which the scheme has been recognised by the Commission.	7. Where an economic operator provides evidence or data obtained in accordance with a scheme that has been the subject of a recognition pursuant to paragraph 6, a Member State shall not require the economic operator to provide further evidence of compliance with the criteria for which the scheme has been recognised by the Commission.	7. Where an economic operator provides evidence or data obtained in accordance with a scheme that has been the subject of a recognition pursuant to paragraph 6, a Member State shall not require the economic operator to provide further evidence of compliance with the criteria for which the scheme has been recognised by the Commission.	7. Where an economic operator provides evidence or data obtained in accordance with a scheme that has been the subject of a recognition pursuant to paragraph 6, a Member State shall not require the economic operator to provide further evidence of compliance with the criteria for which the scheme has been recognised by the Commission. Text Origin: Commission Proposal
Article 8(8)				
304	8. Competent authorities of the Member States shall supervise the operation of certification bodies that are conducting independent auditing under a voluntary scheme.	8. Competent authorities of the Member States shall supervise the operation of certification bodies that are conducting independent auditing under a voluntary scheme.	8. Competent authorities of the Member States shall supervise the operation of certification bodies that are conducting independent auditing under a voluntary scheme.	8. Competent authorities of the Member States shall supervise the operation of certification bodies that are conducting independent auditing under a voluntary scheme.

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	Certification bodies shall submit, upon the request of competent authorities, all relevant information necessary to supervise the auditing, including the exact date, time and location of audits. Where Member States find issues of non-conformity, they shall inform the voluntary scheme without delay.	Certification bodies shall submit, upon the request of competent authorities, all relevant information necessary to supervise the auditing, including the exact date, time and location of audits. Where Member States find issues of non-conformity, they shall inform the voluntary scheme without delay.	Certification bodies shall submit, upon the request of competent authorities, all relevant information necessary to supervise the auditing, including the exact date, time and location of audits. Where Member States find issues of non-conformity, they shall inform the voluntary scheme without delay.	Certification bodies shall submit, upon the request of competent authorities, all relevant information necessary to supervise the auditing, including the exact date, time and location of audits. Where Member States find issues of non-conformity, they shall inform the voluntary scheme without delay. Text Origin: Commission Proposal
Article 8(9)				
305	9. At the request of a Member State, which may be based on the request of an economic operator, the Commission shall, on the basis of all available evidence, examine whether the greenhouse gas emissions saving criteria laid down in this Article, the methodology developed in line with paragraph 5 of this Article, and the greenhouse gas emissions savings thresholds set in Article 2, points (9) and (10) have been met. Within six months of receipt of such a request, the Commission shall decide whether the Member State concerned may:	9. At the request of a Member State, which may be based on the request of an economic operator, the Commission shall, on the basis of all available evidence, examine whether the greenhouse gas emissions saving criteria laid down in this Article, the methodology developed in line with paragraph 5 of this Article, and the greenhouse gas emissions savings thresholds set in Article 2, points (9) and (10) have been met. Within six months of receipt of such a request, the Commission shall decide whether the Member State concerned may:	9. At the request of a Member State, which may be based on the request of an economic operator, the Commission shall, on the basis of all available evidence, examine whether the greenhouse gas emissions saving criteria laid down in this Article, the methodology developed in line with paragraph 5 of this Article, and the greenhouse gas emissions savings thresholds set in Article 2, points ~~(9)~~ (10), (11) and ~~(1012)~~ , have been met. Within six months of receipt of such a request, the Commission shall decide whether the Member State concerned may:	9. At the request of a Member State, which may be based on the request of an economic operator, the Commission shall, on the basis of all available evidence, examine whether the greenhouse gas emissions saving criteria laid down in this Article, the methodology developed in line with paragraph 5 of this Article, and the greenhouse gas emissions savings thresholds set in Article 2, points ~~(9)~~ (10), (11) and ~~(1012)~~ , have been met. Within six months of receipt of such a request, the Commission shall decide whether the Member State concerned may:

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Council Mandate
Article 8(9), point (a)				
306	(a) accept the evidence already provided to show compliance with the greenhouse gas emissions saving criteria for low carbon fuels; or	(a) accept the evidence already provided to show compliance with the greenhouse gas emissions saving criteria for low-carbon fuels; or	(a) accept the evidence already provided to show compliance with the greenhouse gas emissions saving criteria for low carbon fuels; or	(a) accept the evidence already provided to show compliance with the greenhouse gas emissions saving criteria for low carbon fuels; or Text Origin: Commission Proposal
Article 8(9), point (b)				
307	(b) by way of derogation from paragraph 7, require suppliers of the source of low carbon fuels to provide further evidence of their compliance with the greenhouse gas emissions saving criteria and the 70% greenhouse gas emissions savings threshold.	(b) by way of derogation from paragraph 7, require suppliers of the source of low-carbon fuels to provide further evidence of their compliance with the greenhouse gas emissions saving criteria and the 70% greenhouse gas emissions savings threshold.	(b) by way of derogation from paragraph 7, require suppliers of the source of low carbon fuels to provide further evidence of their compliance with the greenhouse gas emissions saving criteria and the 70% greenhouse gas emissions savings threshold.	(b) by way of derogation from paragraph 7, require suppliers of the source of low carbon fuels to provide further evidence of their compliance with the greenhouse gas emissions saving criteria and the 70% greenhouse gas emissions savings threshold. Text Origin: Commission Proposal
Article 8(10)				
308	10. Member States shall also require the relevant economic operators to enter into the Union	10. Member States shall ■ require the relevant economic operators to enter into the Union database	10. Member States shall also require the relevant economic operators to enter into the Union	10. Member States shall ~~also~~ require the relevant economic operators to enter into the Union

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	database information on the transactions made and the sustainability characteristics of low carbon fuels in line with the requirements established in Article 28 of Directive (EU) 2018/2001.	information on the transactions made and the sustainability characteristics of low-carbon in line with the requirements <i>laid down in Articles 28 and 31a</i> of Directive (EU) 2018/2001 <i>[amended RED]. The interconnected gas system shall be considered to be a single mass balance system. Information about injection and withdrawal shall be provided in the Union database for gaseous fuels. The Union database shall be implemented as soon as possible and in any event by ... [the date of entry into force of this Directive].</i>	database, or national databases that are linked to the Union database , information on the transactions made and the sustainability characteristics of renewable gases and low carbon fuels in line with the requirements for renewable fuels established in [Article 28 of Directive (EU) 2018/2001]. Where guarantees of origin have been issued for the production of a consignment of low carbon gases, these shall be subject to the same rules as those set out in [Article 28 of Directive (EU) 2018/2001] for guarantees of origin issued for the production of renewable gases.	database <u>regulated in Article 31a of Directive (EU) 2018/2001, or into national databases that are linked to the Union database, as allowed in Article 31a (2)</u> , information on the transactions made and the sustainability characteristics of ~~low carbon~~ <u>renewable gases and low-carbon</u> fuels in line with the requirements <u>for renewable fuels</u> established in Article ~~28~~ <u>31a of Directive (EU) 2018/2001. Where guarantees of origin have been issued for the production of a consignment of low-carbon gases, these shall be subject to the same rules as those set out in in Article 31a</u> of Directive (EU) 2018/2001 <u>for guarantees of origin issued for the production of renewable gases.</u>
Article 8(10a)				
308a			11. The Commission shall adopt decisions under paragraph 6 of this Article by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 84(3). Such decisions	<u>11. The Commission shall adopt decisions under paragraph 6 of this Article by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 84(3). Such decisions</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			shall be valid for a period of no more than five years.	<u>shall be valid for a period of no more than five years.</u> Text Origin: Council Mandate
Article 9				
309	Article 9 Technical rules	Article 9 Technical rules	Article 9 Technical rules	Article 9 Technical rules Text Origin: Commission Proposal
Article 9, first paragraph				
310	The regulatory authorities where Member States have so provided or Member States shall ensure that technical safety criteria are defined and that technical rules establishing the minimum technical design and operational requirements for the connection to the system of LNG facilities, storage facilities, other transmission or distribution systems, direct lines, as well as to the hydrogen system, are developed and made public. Those technical rules shall ensure the interoperability of systems and shall be objective and non-discriminatory. ACER may make appropriate recommendations	The regulatory authorities where Member States have so provided or Member States shall ensure that technical safety criteria are defined and that technical rules establishing the minimum technical design and operational requirements for the connection to the system of LNG facilities, storage facilities, other transmission or distribution systems, direct lines, as well as to the hydrogen system, are developed and made public. Those technical rules shall ensure the interoperability of systems and shall be objective and non-discriminatory. ACER may make appropriate recommendations	The regulatory authorities, where Member States have so provided, or Member States shall ensure that technical safety criteria are defined and that technical rules establishing the minimum technical design and operational requirements for the connection to the system of LNG facilities, storage facilities, other transmission or distribution systems, direct lines, as well as to the hydrogen system, are developed and made public. Those technical rules shall ensure the interoperability of systems and shall be objective and non-discriminatory. ACER may make appropriate recommendations	The regulatory authorities where Member States have so provided or Member States shall ensure that technical safety criteria are defined and that technical rules establishing the minimum technical design and operational requirements for the connection to the system of LNG facilities, storage facilities, other transmission or distribution systems, direct lines, as well as to the hydrogen system, are developed and made public. Those technical rules shall ensure the interoperability of systems and shall be objective and non-discriminatory. ACER may make appropriate recommendations

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	towards achieving compatibility of those rules, where appropriate. Those rules shall be notified to the Commission in accordance with Article 5 of Directive (EU) 2015/1535 of the European Parliament and of the Council¹. 1. Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).	towards achieving compatibility of those rules, where appropriate. Those rules shall be notified to the Commission in accordance with Article 5 of Directive (EU) 2015/1535 of the European Parliament and of the Council²⁹. <i>29. Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).</i>	towards achieving compatibility of those rules, where appropriate. Those rules shall be notified to the Commission in accordance with Article 5 of Directive (EU) 2015/1535 of the European Parliament and of the Council¹. 1. Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).	towards achieving compatibility of those rules, where appropriate. Those rules shall be notified to the Commission in accordance with Article 5 of Directive (EU) 2015/1535 of the European Parliament and of the Council¹. 1. Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1). Text Origin: Commission Proposal
Article 9, second paragraph				
311	Where relevant, Member States shall require transmission system operators, distribution system operators and hydrogen network operators in their territory to publish technical rules in accordance with Article 9, in particular regarding network connection rules that include gas quality, gas odourisation and gas pressure requirements. Member States shall also require transmission and distribution	Where relevant, Member States shall require transmission system operators, distribution system operators and hydrogen network operators in their territory to publish technical rules in accordance with Article 9, in particular regarding network connection rules that include gas quality, gas odourisation and gas pressure requirements. Member States shall also require transmission and distribution	Where relevant, the regulatory authorities, where Member States have so provided, or Member States shall require transmission system operators, distribution system operators and hydrogen network operators in their territory to publish technical rules in accordance with Article 9, in particular regarding network connection rules that include gas quality, gas odourisation and gas pressure requirements. Member	Where relevant, <u>the regulatory authorities, where so provided, or</u> Member States shall require transmission system operators, distribution system operators and hydrogen network operators in their territory to publish technical rules in accordance with Article 9, in particular regarding network connection rules that include gas quality, gas odourisation and gas pressure requirements. Member States shall also require

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	system operators to publish the connection tariffs to connect gas from renewable sources based on objective, transparent and non-discriminatory criteria.	system operators to publish the connection tariffs to connect gas from renewable sources based on objective, transparent and non-discriminatory criteria.	States shall also require transmission and distribution system operators to publish the connection tariffs to connect gas from renewable sources based on objective, transparent and non-discriminatory criteria.	transmission and distribution system operators to publish the connection tariffs to connect gas from renewable sources based on objective, transparent and non-discriminatory criteria.
CHAPTER III				
312	CHAPTER III CONSUMER EMPOWERMENT AND PROTECTION AND RETAIL MARKETS	CHAPTER III CONSUMER EMPOWERMENT AND PROTECTION AND RETAIL MARKETS	CHAPTER III -CONSUMER EMPOWERMENT AND PROTECTION AND RETAIL MARKETS	CHAPTER III CONSUMER EMPOWERMENT AND PROTECTION AND RETAIL MARKETS Text Origin: Commission Proposal
Article 10				
313	Article 10 Basic contractual rights	Article 10 Basic contractual rights	Article 10 Basic contractual rights	Article 10 Basic contractual rights Text Origin: Commission Proposal
Article 10(1)				
314	1. Member States shall ensure that all final customers are entitled to have gases provided by a supplier, subject to the supplier's agreement,	1. Member States shall ensure that all final customers are entitled to have gas provided by a supplier, subject to the supplier's agreement,	1. Member States shall ensure that all final customers are entitled to have gases provided by a supplier, subject to the supplier's agreement,	1. Member States shall ensure that all final customers are entitled to have gases provided by a supplier, subject to the supplier's agreement,

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	regardless of the Member State in which the supplier is registered, provided that the supplier follows the applicable trading and balancing rules. In that regard, Member States shall take all measures necessary to ensure that administrative procedures do not discriminate against suppliers already registered in another Member State.	regardless of the Member State in which the supplier is registered, provided that the supplier follows the applicable trading and balancing rules. In that regard, Member States shall take all measures necessary to ensure that administrative procedures do not discriminate against suppliers already registered in another Member State.	regardless of the Member State in which the supplier is registered, provided that the supplier follows the applicable trading, balancing and security of supply and ~~balancing~~ rules and requirements resulting from Article 7(2) . In that regard, Member States shall take all measures necessary to ensure that administrative procedures do not discriminate against suppliers already registered in another Member State.	regardless of the Member State in which the supplier is registered, provided that the supplier follows the applicable trading, <u>balancing and security of supply</u> and ~~balancing~~ rules <u>and requirements resulting from Article 7(2)</u> . In that regard, Member States shall take all measures necessary to ensure that administrative procedures do not discriminate against suppliers already registered in another Member State. Provisionally agreed 17.11.2023
Article 10(2)				
315	2. Without prejudice to Union rules on consumer protection, in particular Directive 2011/83/EU of the European Parliament and of the Council and Council Directive 93/13/EEC, Member States shall ensure that final customers have the rights provided for in paragraphs 3 to 12 of this Article.	2. Without prejudice to Union rules on consumer protection, in particular Directive 2011/83/EU of the European Parliament and of the Council and Council Directive 93/13/EEC, Member States shall ensure that final customers have the rights provided for in paragraphs 3 to 12 of this Article.	2. Without prejudice to Union rules on consumer protection, in particular Directive 2011/83/EU of the European Parliament and of the Council and Council Directive 93/13/EEC, Member States shall ensure that final customers have the rights provided for in paragraphs 3 to ~~11~~ of this Article.	2. Without prejudice to Union rules on consumer protection, in particular Directive 2011/83/EU of the European Parliament and of the Council and Council Directive 93/13/EEC, Member States shall ensure that final customers have the rights provided for in paragraphs 3 to ~~11~~ <u>12</u> of this Article. Provisionally agreed 17.11.2023 Text Origin: Council Mandate

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Article 10(3), first subparagraph				
316	3. Final customers shall have the right to a contract with their supplier that specifies:	3. Final customers shall have the right to a contract with their supplier that specifies:	3. Final customers shall have the right to a contract with their supplier that specifies:	3. Final customers shall have the right to a contract with their supplier that specifies: Provisionally agreed 17.11.2023 Text Origin: Commission Proposal
Article 10(3), first subparagraph, point (a)				
317	(a) the identity and address of the supplier;	(a) the identity, <i>address and contact details (phone number, email address and its customer service's contact details)</i> of the supplier;	(a) the identity and address of the supplier;	(a) the identity and ~~address~~ <i>contact details</i> of the supplier, <i>including address, email address and a consumer support hotline</i> ; Provisionally agreed 17.11.2023
Article 10(3), first subparagraph, point (b)				
318	(b) the services provided, the service quality levels offered, as well as the time for the initial connection;	(b) the services provided, the service quality levels offered, as well as the time for the initial connection;	(b) the services provided, the service quality levels offered, as well as the time for the initial connection;	(b) the services provided <i>(including the product and tariff name), its main features</i> , the service quality levels offered, as well as the time for the initial connection; Provisionally agreed 17.11.2023
Article 10(3), first subparagraph, point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
319	(c) the types of maintenance service offered;	(c) the types of maintenance service offered;	(c) the types of maintenance service offered;	(c) the types of maintenance service offered; Provisionally agreed 17.11.2023 Text Origin: Commission Proposal
Article 10(3), first subparagraph, point (d)				
320	(d) the means by which up-to-date information on all applicable tariffs, maintenance charges and bundled products or services may be obtained;	(d) the means by which up-to-date information on all applicable tariffs, maintenance charges and bundled products or services may be obtained;	(d) the means by which up-to-date information on all applicable tariffs, maintenance charges and bundled products or services may be obtained;	(d) the means by which up-to-date information on all applicable tariffs, maintenance charges and bundled products or services may be obtained; Provisionally agreed 17.11.2023 Text Origin: Commission Proposal
Article 10(3), first subparagraph, point (e)				
321	(e) the duration of the contract, the conditions for renewal and termination of the contract and services, including products or services that are bundled with those services, and whether terminating the contract without charge is permitted;	(e) the duration of the contract, the conditions for renewal and termination of the contract and services, including products or services that are bundled with those services, and whether terminating the contract without charge is permitted;	(e) the duration of the contract, the conditions for renewal and termination of the contract and services, including products or services that are bundled with those services, and whether terminating the contract without charge is permitted;	(e) the duration of the contract, the conditions for renewal and termination of the contract and services, including products or services that are bundled with those services, and whether terminating the contract without charge is permitted;

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Provisionally agreed 17.11.2023 Text Origin: Commission Proposal
	Article 10(3), first subparagraph, point (f)			
322	(f) any compensation and the refund arrangements which apply if contracted service quality levels are not met, including inaccurate or delayed billing;	(f) any compensation and the refund arrangements which apply if contracted service quality levels are not met, including inaccurate or delayed billing;	(f) any compensation and the refund arrangements which apply if contracted service quality levels are not met, including inaccurate or delayed billing;	(f) any compensation and the refund arrangements which apply if contracted service quality levels are not met, including inaccurate or delayed billing; Provisionally agreed 17.11.2023 Text Origin: Commission Proposal
	Article 10(3), first subparagraph, point (fa)			
322a		<i>(fa) the product name and its main features, including, where the environmental impact is promoted as an essential feature of the offer, a description of this environmental impact, at least in respect of CO2 emissions resulting from the gas supplied by the supplier over the preceding year;</i>		<u>(fa) where the environmental performance, including where relevant CO2 emissions, is promoted as an essential feature, then this shall be supported by clear, objective, publicly available and verifiable commitments provided by the supplier. In the case of supply of renewable and low-carbon gases, the supply shall be certified according to Article 8;</u> Provisionally agreed 17.11.2023

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	Article 10(3), first subparagraph, point (g)			
323	(g) the method of initiating an out-of-court dispute settlement procedure in accordance with Article 24;	(g) the method of initiating an out-of-court dispute settlement procedure in accordance with Article 24;	(g) the method of initiating an out-of-court dispute settlement procedure in accordance with Article 24;	(g) the method of initiating an out-of-court dispute settlement procedure in accordance with Article 24; Provisionally agreed 17.11.2023 Text Origin: Commission Proposal
	Article 10(3), first subparagraph, point (h)			
324	(h) information relating to consumer rights, including information on complaint handling and all the information referred to in this paragraph, clearly communicated on the bill or the hydrogen or natural gas undertaking's web site.	(h) information relating to consumer rights, including clear and understandable information on complaint handling and how and where a complaint can be submitted and all the information referred to in this paragraph, clearly communicated on the bill or the hydrogen or natural gas undertaking's web site;	(h) information relating to consumer rights, including information on complaint handling and all the information referred to in this paragraph, clearly communicated on the bill or the hydrogen or natural gas undertaking's web site.	(h) information relating to consumer rights, including <u>clear and understandable</u> information on complaint handling and <u>how and where a complaint can be submitted and</u> all the information referred to in this paragraph, clearly communicated on the bill or the hydrogen or natural gas undertaking's web site. Provisionally agreed 17.11.2023
	Article 10(3), first subparagraph, point (ha)			
324a		<i>(ha) information on the provider</i>		<u>(ha) where relevant, information</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>and the price of additional services, where relevant, such as insurance and energy efficiency services.</i>		<u>on the provider and the price of products or services that are tied to or, bundled with, gas supply.</u> Provisionally agreed 17.11.2023
Article 10(3), second subparagraph				
325	Conditions shall be fair and well known in advance. In any case, the information shall be provided prior to the conclusion or confirmation of the contract. Where contracts are concluded through intermediaries, the information referred to points (a) to (f) shall also be provided prior to the conclusion of the contract.	<i>The contractual</i> conditions shall be fair and well known in advance. In any case, the information shall be provided <i>in consumer friendly, clear and unambiguous language,</i> prior to the conclusion or confirmation of the contract. Where contracts are concluded through intermediaries, the information referred to points (a) to (f) shall also be provided prior to the conclusion of the contract.	Conditions shall be fair and well known in advance. In any case, the information shall be provided prior to the conclusion or confirmation of the contract. Where contracts are concluded through intermediaries, the information referred to points (a) to (f) relating to the matters set out in this paragraph shall also be provided prior to the conclusion of the contract.	<i>The contractual</i> conditions shall be fair and well known in advance. In any case, the information shall be provided <i>in consumer friendly, clear and unambiguous language,</i> prior to the conclusion or confirmation of the contract. Where contracts are concluded through intermediaries, the information referred to ~~points (a) to (f)~~ <i>shall also be provided prior to the conclusion of the contract.</i> <i>Information on the provider of products or services, and the price of those products or services, that are tied to or bundled with gas supply shall</i> be provided prior to the conclusion of the contract. Provisionally agreed 17.11.2023
Article 10(3), third subparagraph				
326				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Final customers shall be provided with a summary of the key contractual conditions in a prominent manner and in concise and simple language.	Final customers shall be provided with a summary of the key contractual conditions in a prominent manner <i>in a single document</i> and in concise and simple language. <i>Member States shall ensure, through their regulatory authorities, the use of common terminology agreed at national level.</i>	Final customers shall be provided with a summary of the key contractual conditions in a prominent manner and in concise and simple language. The Commission shall provide non-binding guidance in this regard.	Final customers shall be provided with a <u>single</u> summary of the key contractual conditions in a prominent manner and in concise and simple language. <u><i>Member States shall require the supplier the use of common terminology. The Commission shall provide non-binding guidance in this regard.</i></u> Provisionally agreed 17.11.2023
Article 10(4)				
327	4. Final customers shall be given adequate notice of any intention to modify contractual conditions and shall be informed about their right to terminate the contract when the notice is given. Suppliers shall notify their final customer directly and in a transparent and comprehensible manner, of any adjustment in the supply price and of the reasons and preconditions for the adjustment and its scope, no later than two weeks, or no later than one month in the case of household customers, before the adjustment comes into effect. Member States shall ensure that final customers are free to	4. Final customers shall be given adequate notice of any intention to modify contractual conditions and shall be informed about their right to terminate the contract when the notice is given. Suppliers shall notify their final customer directly and in a transparent and comprehensible manner, of any adjustment in the supply price and of the reasons and preconditions for the adjustment and its scope, no later than two weeks, or no later than one month in the case of household customers, before the adjustment comes into effect. Member States shall ensure that final customers are free to	4. Final customers shall be given adequate notice of any intention to modify contractual conditions and shall be informed about their right to terminate the contract when the notice is given. Suppliers shall notify their final customer directly and in a transparent and comprehensible manner, of any adjustment in the supply price and of the reasons and preconditions for the adjustment and its scope, no later than two weeks, or no later than one month in the case of household customers, before the adjustment comes into effect. Member States shall ensure that final customers are free to	4. Final customers shall be given adequate notice of any intention to modify contractual conditions and shall be informed about their right to terminate the contract when the notice is given. Suppliers shall notify their final customer directly and in a transparent and comprehensible manner, of any adjustment in the supply price and of the reasons and preconditions for the adjustment and its scope, no later than two weeks, or no later than one month in the case of household customers, before the adjustment comes into effect. Member States shall ensure that final customers are free to

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	terminate contracts if they do not accept the new contractual conditions or adjustments in the supply price notified to them by their supplier.	terminate contracts if they do not accept the new contractual conditions or adjustments in the supply price notified to them by their supplier.	terminate contracts if they do not accept the new contractual conditions or adjustments in the supply price notified to them by their supplier.	terminate contracts if they do not accept the new contractual conditions or adjustments in the supply price notified to them by their supplier. Provisionally agreed 17.11.2023 Text Origin: Commission Proposal
Article 10(5)				
328	5. Suppliers shall provide final customers with transparent information on applicable prices and tariffs and on standard terms and conditions, in respect of access to and use of gases services.	5. Suppliers shall provide final customers with transparent information on applicable prices, tariffs, standard terms and conditions, in respect of access to and use of <i>gas services, in particular whether the price is fixed or variable and, if relevant, on possible promotions or discounts, and additional products and/or services bundled with the gas services.</i>	5. Suppliers shall provide final customers with transparent information on applicable prices and tariffs and on standard terms and conditions, in respect of access to and use of gases services.	5. Suppliers shall provide final customers with transparent information on applicable prices ~~and~~ tariffs ~~and on~~ standard terms and conditions, in respect of access to and use of gases services, <u>in particular whether the price is fixed or variable and, where relevant, with information on promotions and discounts.</u> <u>Key contractual information shall be highlighted by the supplier.</u> Provisionally agreed 17.11.2023
Article 10(5a)				
328a		<i>5a. Member States, through their regulatory authorities, shall</i>		<u>Deleted</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>ensure that key contractual information is identified and highlighted within the offers provided by the suppliers to the costumers and shall monitor and report on transparency of market offers.</i>		
Article 10(6)				
329	6. Suppliers shall offer final customers a wide choice of payment methods. Such payment methods shall not unduly discriminate between customers. Any difference in charges related to payment methods or prepayment systems shall be objective, non-discriminatory and proportionate and shall not exceed the direct costs borne by the payee for the use of a specific payment method or a prepayment system, in accordance with Article 62 of Directive (EU) 2015/2366 of the European Parliament and of the Council¹. 1. Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No	6. Suppliers shall offer final customers a wide choice of payment methods. Such payment methods shall not unduly discriminate between customers. Any difference in charges related to payment methods or prepayment systems shall be objective, non-discriminatory and proportionate and shall not exceed the direct costs borne by the payee for the use of a specific payment method or a prepayment system, in accordance with Article 62 of Directive (EU) 2015/2366 of the European Parliament and of the Council³⁰. 30. Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No	6. Suppliers shall offer final customers a wide choice of payment methods. Such payment methods shall not unduly discriminate between customers. Any difference in charges related to payment methods or prepayment systems shall be objective, non-discriminatory and proportionate and shall not exceed the direct costs borne by the payee for the use of a specific payment method or a prepayment system, in accordance with Article 62 of Directive (EU) 2015/2366 of the European Parliament and of the Council¹. 1. Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No	6. Suppliers shall offer final customers a wide choice of payment methods. Such payment methods shall not ~~unduly~~ discriminate between customers. <u>Vulnerable customers and energy poor customers may be granted a more favourable treatment.</u> Any difference in charges related to payment methods or prepayment systems shall be objective, non-discriminatory and proportionate and shall not exceed the direct costs borne by the payee for the use of a specific payment method or a prepayment system, in accordance with Article 62 of Directive (EU) 2015/2366 of the European Parliament and of the Council¹. <u>1. Directive (EU) 2015/2366 of the European Parliament and of the</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015).	<i>1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015).</i>	1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015).	<u>Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015).</u> ~~<i>1. Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015).</i>~~ Provisionally agreed 17.11.2023
	Article 10(7)			
330	7. Household customers who have access to prepayment systems shall not be placed at a disadvantage by the prepayment systems.	7. Household customers who have access to prepayment systems shall not be placed at a disadvantage by the prepayment systems.	7. Household customers who have access to prepayment systems shall not be placed at a disadvantage by the prepayment systems.	7. Household customers who have access to prepayment systems shall not be placed at a disadvantage by the prepayment systems. Provisionally agreed 17.11.2023 Text Origin: Commission Proposal
	Article 10(8)			
331				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	8. Suppliers shall offer final customers fair and transparent general terms and conditions, which shall be provided in plain and unambiguous language and shall not include non-contractual barriers to the exercise of customers' rights, such as excessive contractual documentation. Customers shall be protected against unfair or misleading selling methods.	8. Suppliers shall offer final customers fair and transparent general terms and conditions, which shall be provided in plain and unambiguous language and shall not include non-contractual barriers to the exercise of customers' rights, such as excessive contractual documentation. Customers shall be protected against unfair or misleading selling methods.	8. Suppliers shall offer final customers fair and transparent general terms and conditions, which shall be provided in plain and unambiguous language and shall not include non-contractual barriers to the exercise of customers' rights, such as excessive contractual documentation. Customers shall be protected against unfair or misleading selling methods.	8. Suppliers shall offer final customers fair and transparent general terms and conditions, which shall be provided in plain and unambiguous language and shall not include non-contractual barriers to the exercise of customers' rights, such as excessive contractual documentation. Customers shall be protected against unfair or misleading selling methods. Provisionally agreed 17.11.2023 Text Origin: Commission Proposal
Article 10(9)				
332	9. Final customers shall have the right to a good standard of service and complaint handling by their suppliers. Suppliers shall handle complaints in a simple, fair and prompt manner.	9. Final customers shall have the right to a good standard of service and complaint handling by their suppliers. Suppliers shall handle complaints in a simple, fair and prompt manner.	9. Final customers shall have the right to a good standard of service and complaint handling by their suppliers. Suppliers shall handle complaints in a simple, fair and prompt manner.	9. Final customers shall have the right to a good standard of service and complaint handling by their suppliers. Suppliers shall handle complaints in a simple, fair and prompt manner. Provisionally agreed 17.11.2023 Text Origin: Commission Proposal
Article 10(9a), (10) a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G 333a		<i>Member States shall prohibit disconnections in the case of vulnerable household customers and customers affected by or at risk of energy poverty who use natural gas for heating during the winter. Member States may extend that prohibition to non-household customers.</i>	PUBLIC	<u>Deleted</u> 17.11.2023 Provisionally agreed to delete here - it was moved to article 25
Article 10(9b)				
G 333b		<i>Member States shall ensure that disconnections are prohibited during ongoing judicial or out-of-court disputes between the supplier and customers for a period of eight weeks.</i>		<u>Deleted</u> 17.11.2023 Provisionally agreed to delete here - it was moved to article 25
Article 10(11)				
G 334	11. Suppliers shall provide final customers with a final closure account after any switch of supplier no later than six weeks after such a switch has taken place.	11. Suppliers shall provide final customers with a final closure account after any switch of supplier no later than six weeks after such a switch has taken place.	11. Suppliers shall provide final customers with a final closure account after any switch of supplier no later than six weeks after such a switch has taken place.	11. Suppliers shall provide final customers with a final closure account after any switch of supplier no later than six weeks after such a switch has taken place. Provisionally agreed 17.11.2023 Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 11			
335	Article 11 Right to switch and rules on switching-related fees	Article 11 Right to switch and rules on switching-related fees	Article 11 Right to switch and rules on switching-related fees	Article 11 Right to switch and rules on switching-related fees Text Origin: Commission Proposal
	Article 11(1)			
336	1. Customers shall have the right to switch ~~gas~~ suppliers or market participants. Member States shall ensure that a customer wishing to switch suppliers or market participants, while respecting contractual conditions, is entitled to such a switch within a maximum of three weeks from the date of the request. By 2026 at the latest, the technical process of switching supplier or market participant shall take no longer than 24 hours and shall be possible on any working day.	1. Customers shall have the right to switch ~~gas~~ suppliers or market participants. Member States shall ensure that a customer wishing to switch suppliers or market participants, while respecting contractual conditions, is entitled to such a switch within <i>the shortest possible time, and in any case not later than</i> three weeks <i>after</i> the date of the request. By 2026 at the latest, the technical process of switching supplier or market participant shall take no longer than 24 hours and shall be possible on any working day.	1. Customers shall have the right to switch ~~gas~~ suppliers or market ~~participants~~ participant . Member States shall ensure that a customer wishing to switch suppliers or market participants, while respecting contractual conditions, is entitled to such a switch within a maximum of three weeks from the date of the request. By 1 January 2026 at the latest, the technical process of switching supplier or market participant shall take no longer than 24 hours and shall be possible on any working day.	1. Customers shall have the right to switch ~~gas~~ suppliers or market participants. Member States shall ensure that a customer wishing to switch suppliers or market participants, while respecting contractual conditions, is entitled to such a switch within ~~the~~ <u>shortest possible time, and in any case within</u> maximum of three weeks from the date of the request. By <u>1 January</u> 2026 at the latest, the technical process of switching supplier or market participant shall take no longer than 24 hours and shall be possible on any working day. Provisionally agreed 17.11.2023

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 11(2)			
337	2. Member States shall ensure that the right to switch supplier or market participant is granted to customers in a non-discriminatory manner as regards cost, effort and time.	2. Member States shall ensure that the right to switch supplier or market participant is granted to <i>all</i> customers in a non-discriminatory manner as regards cost, effort and time.	2. Member States shall ensure that the right to switch supplier or market participant is granted to customers in a non-discriminatory manner as regards cost, effort and time.	2. Member States shall ensure that the right to switch supplier or market participant is granted to customers in a non-discriminatory manner as regards cost, effort and time. Provisionally agreed 17.11.2023
	Article 11(3), first subparagraph			
338	3. Member States shall ensure that at least household customers and small enterprises are not charged any switching-related fees for gases. However Member States may allow suppliers or market participants to charge customers contract termination fees where those customers voluntarily terminate fixed-term, fixed-price supply contracts before their maturity, provided that such fees:	3. Member States shall ensure that at least household customers, <i>including those that accepted an offer to provide gas services which is bundled with the provision of related equipment or services, and microenterprises</i> and small enterprises are not charged any switching-related fees for <i>gas</i> . However Member States may allow suppliers or market participants to charge customers contract termination fees where those customers voluntarily terminate fixed-term, fixed-price supply contracts before their maturity, provided that such fees:	3. Member States shall ensure that at least household customers and small enterprises are not charged any switching-related fees for gases. However Member States may allow suppliers or market participants to charge customers contract termination fees where those customers voluntarily terminate fixed-term, fixed-price supply contracts before their maturity, provided that such fees:	3. Member States shall ensure that at least household customers, <u>microenterprises</u> and small enterprises are not charged any switching-related fees for gases, <u>included where gas supply is tied to or bundled with other services, equipment or products</u> . However Member States may allow suppliers or market participants to charge customers contract termination fees where those customers voluntarily terminate fixed-term, fixed-price supply contracts before their maturity, provided that such fees: Provisionally agreed 17.11.2023

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 11(3), first subparagraph, point (a)				
339	(a) are part of a contract that the customer has voluntarily entered into; and	(a) are part of a contract that the customer has voluntarily entered into; and	(a) (a) are part of a contract that the customer has voluntarily entered into; and	(a) are part of a contract that the customer has voluntarily entered into; and Provisionally agreed 17.11.2023 Text Origin: Commission Proposal
Article 11(3), first subparagraph, point (b)				
340	(b) are clearly communicated to the customer before the contract is entered into.	(b) are clearly communicated to the customer before the contract is entered into. █	(b) (b) are clearly communicated to the customer before the contract is entered into.	(b) are clearly communicated to the customer before the contract is entered into. Provisionally agreed 17.11.2023 Text Origin: Commission Proposal
Article 11(3), second subparagraph				
341	Such fees shall be proportionate and shall not exceed the direct economic loss to the supplier or the market participant resulting from the customer's termination of the contract, including the costs of any bundled investments or services that have already been provided to the customer as part of the	Such fees shall be proportionate and shall not exceed the direct economic loss to the supplier or the market participant resulting from the customer's termination of the contract, including the costs of any bundled investments or services that have already been provided to the customer as part of the	Such fees shall be proportionate and shall not exceed the direct economic loss to the supplier or the market participant resulting from the customer's termination of the contract, including the costs of any bundled investments or services that have already been provided to the customer as part of	Such fees shall be proportionate and shall not exceed the direct economic loss to the supplier or the market participant resulting from the customer's termination of the contract, ~~including the costs of any.~~ In case of bundled investments or ~~services that have already been provided to the customer as part of~~ In case of bundled ~~investments or services that have already been provided to the customer as part of~~

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	contract. The burden of proving the direct economic loss shall be on the supplier or market participant. The permissibility of contract termination fees shall be monitored by the regulatory authority, or by another competent national authority.	contract. The burden of proving the direct economic loss shall be on the supplier or market participant. The permissibility of contract termination fees shall be monitored by the regulatory authority, or by another competent national authority.	~~the~~ offers, customers shall be able to terminate individual services of a contract. The burden of proving the direct economic loss shall be on the supplier or market participant. The permissibility of contract termination fees shall be monitored by the regulatory authority, or by another competent national authority.	~~the~~ offers, customers shall be able to terminate individual services of a contract. The burden of proving the direct economic loss shall be on the supplier or market participant. The permissibility of contract termination fees shall be monitored by the regulatory authority, or by another competent national authority. Provisionally agreed 17.11.2023
Article 11(4)				
342	4. Household customers for gases shall be entitled to participate in collective switching schemes. Member States shall remove all regulatory or administrative barriers for collective switching, and provide a framework that ensures the consumer protection to avoid any abusive practices.	4. Household customers for gas shall be entitled to participate in collective switching schemes. Member States shall remove all regulatory or administrative barriers for collective switching, and provide a framework that ensures the consumer protection to avoid any abusive practices.	4. Household customers for gases shall be entitled to participate in collective switching schemes. Member States shall remove all regulatory or administrative barriers for collective switching, and provide a framework that ensures the consumer protection to avoid any abusive practices.	4. Household customers for gases shall be entitled to participate in collective switching schemes. Member States shall remove all regulatory or administrative barriers for collective switching, and provide a framework that ensures the consumer protection to avoid any abusive practices. Provisionally agreed 17.11.2023
Article 11(4a)				
342a		4a. Member States shall ensure that user-friendly information is provided to citizens in relation to		<u>4a. Member States shall ensure that information on supplier switching is provided to final</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>the rules and process for switching suppliers in their Member State together with any relevant information about the switching as appropriate, including through the single points of contact referred to in Article 23</i>		<u>customers in a user-friendly format, including through the single points of contact referred to in Article 23.</u> Provisionally agreed 17.11.2023
	Article 11(4b)			
342b			5. Member States shall ensure that customers are granted the right to terminate their gas supply contracts at short notice.	<u>4b. Member States shall ensure that customers are granted the right to terminate their gas supply contracts at short notice.</u> Provisionally agreed 17.11.2023
	Article 11a			
342c			Article 11a Consumer rights and protection in relation to the phasing out of natural gas	<u>Article 11a</u> <u>Consumer rights and protection in relation to the phasing out of natural gas</u> Provisionally agreed FOR this Article, recital to be added: To facilitate heat decarbonisation that is built on inclusiveness, consumers need to be informed about

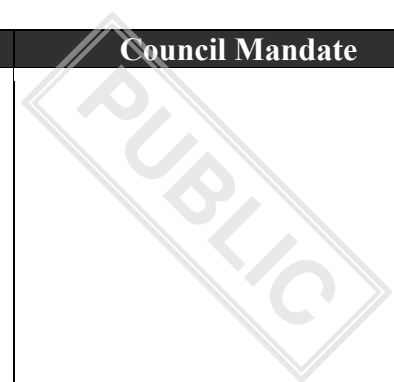
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				sustainable alternatives they can switch to and have access to suitable financing options and subsidies. Member States should take all measures necessary to minimise the adverse effect that fuel switches or district heating connections implemented pursuant to article 11a) have on final customers including those in energy poverty, vulnerable customers and people who live in social housing. Where applicable, Member States should make the best possible use of funding, including public funding and funding facilities established at Union level, with the aim of minimising adverse effects and ensuring a just and inclusive energy transition. Text Origin: Council Mandate
	Article 11a(1)			
342d			Where the disconnection of network users pursuant to Article 34(4) is allowed, Member States shall ensure that:	<u>Where the disconnection of network users pursuant to Article 34(4) is allowed, Member States shall ensure that:</u> Provisionally agreed Text Origin: Council Mandate
	Article 11a(1), point (a)			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
342e			(a) the affected network users and other relevant stakeholders, notably consumer organisations, have been consulted;	<u>(a) the affected network users and other relevant stakeholders, notably consumer organisations, have been consulted;</u> Provisionally agreed Text Origin: Council Mandate
Article 11a(1), point (b)				
342f			(b) network users and relevant stakeholders are informed sufficiently in advance of the planned date and subsequent steps for disconnection;	<u>(b) network users, final customers and relevant stakeholders are informed sufficiently in advance of the planned date, the procedure how this will be done, what steps are planned, and the relevant timeline</u> Provisionally agreed
Article 11a(1), point (c)				
342g			(c) final customers have access to information and appropriate advice on sustainable heating options through the one stop shop procedure established in accordance with Article 21 of the of Directive (EU) .../... [recast EED];	<u>(c) final customers receive information on and have access to sufficient advice on sustainable heating options, as well as information on financial support through relevant bodies to be identified by national authorities, including the one stop shop</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u>procedure established in accordance with articles 21 and 22 of directive.../.. (EED), article 15a of directive.../... (EPBD), and Art 16(3) of directive .../... (revised RED)</u> Provisionally agreed
	Article 11a(1), point (d)			
342h			(d) when planning and carrying out the phase out of natural gas, specific needs of vulnerable customers or customers affected by energy poverty are duly taken into account.	<u>(d) when planning and carrying out the phase out of natural gas, specific needs of vulnerable customers, customers in energy poverty are duly taken into account. Where applicable, Member States shall take appropriate measures with the aim of removing adverse effects of the natural gas phase out taking into account the guidance as set out in Article 25a of this Directive. Those measures may include the use of public funding and funding facilities established at Union level.</u> Provisionally agreed
	Article 11a(1), point (e)			
342i				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u>(e) any financial transfer between regulated services follows the rules set out in Article 4 of [recast gas Regulation] and that there is no discrimination between different categories of customers and between energy carriers.</u> Provisionally agreed
	Article 11a			
342j		Article 11a Fuel switch		<u>Deleted</u>
	Article 11a(1)			
342k		1. Where final customers are required to switch from heating with natural gas to alternative heat sources or district heating, including upon a decision stemming from a Member State, on the basis of the local heating and cooling plans prepared pursuant to Article 52a or the distribution network development plans referred to in Article 52b, Member States shall ensure that final customers that are directly concerned by that decision are fully informed by the distribution		<u>Deleted</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>system operators and suppliers of those fuel switches sufficiently in advance of any planned switch.</i>		
	Article 11a(2)			
G	342l	<i>2. Member States shall ensure that final customers are fully informed about mandatory switches from non-gaseous fossil fuels by the relevant organisation or authority.</i>		<u>Deleted</u>
	Article 11a(3)			
G	342m	<i>3. Member States shall, assisted by the relevant operators and suppliers, provide final customers with a roadmap for the switch from heating with natural gas to alternative heat sources or district heating, including the procedure how this will be done, what steps are planned, and the relevant timeline.</i>		<u>Deleted</u>
	Article 11a(4)			
G	342n	<i>4. Member States shall ensure that final customers receive information on options to prepare</i>		<u>Deleted</u>



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>or adapt their homes, commercial or industrial properties and processes and on advisory assistance, financial support and any assistance available to manage the changes and costs associated with the planned fuel switch or a district heating connection. That information should be delivered by single points of contact as established under Article 21 of Directive (EU) .../...⁺, Article 26 of Directive (EU) .../... of the European Parliament and of the Council³¹⁺⁺ and Article [x] of Directive (EU) 2018/2001 [amended RED].</i> ⁺. OJ: Please insert in the text the number of the Directive contained in document PE-CONS .../... (2021/0203(COD)). ³¹. Directive (EU) .../... of the European Parliament and of the Council of ... on the energy performance of buildings (OJ L ...). ⁺⁺. OJ: Please insert in the text the number of the Directive contained in document PE-CONS .../... (2021/0426(COD)) and insert the number, date, title and OJ reference of that Directive in the footnote.		
	Article 11a(5)			
G	342o			G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>5. Discrimination and cross-subsidisation between different categories of customers and between energy carriers shall be avoided when carrying out a fuel switch or a district heating connection.</i>		<u>Deleted</u>
	Article 11a(6)			
G 342p		<i>6. Member States shall ensure that measures are put in place to mitigate and resolve any inequities resulting from policies aiming to achieve an energy efficient and climate neutral energy system.</i>		<u>Deleted</u>
	Article 11a(7)			
G 342q		<i>7. Member States shall take all measures necessary to ensure that fuel switches or district heating connections implemented pursuant to this Article have no adverse effect on final customers, vulnerable customers, customers affected by or at risk of energy poverty and people who live in social housing. Where applicable, Member States shall make the best possible use of funding, including public funding and funding</i>		<u>Deleted</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>facilities established at Union level, with the aim of removing adverse effects and ensuring a just and inclusive energy transition.</i>		
Article 12				
343	Article 12 Comparison tools	Article 12 Comparison tools	Article 12 Comparison tools for natural gas	Article 12 Comparison tools <u>for natural gas</u> 17.11.2023 Provisionally agreed Text Origin: Council Mandate
Article 12(1), first subparagraph				
344	1. Member States shall ensure that at least natural gas household customers, and microenterprises, have access, free of charge, to at least one tool comparing the offers of suppliers, including bundled offers. Customers shall be informed of the availability of such tools in or together with their bills or by other means. The tools shall meet at least the following requirements:	1. Member States shall ensure that at least natural gas household customers, small enterprises and microenterprises, have access, free of charge, to at least one tool comparing the offers of suppliers, including bundled offers. Customers shall be informed of the availability of such tools in or together with their bills or by other means. The tools shall meet at least the following requirements:	1. Member States shall ensure that at least natural gas household customers; and microenterprises; with an expected yearly consumption of below 100 000 kWh have access, free of charge, to at least one tool comparing the offers of suppliers, including bundled offers. Customers shall be informed of the availability of such tools in or together with their bills or by other means. The tools shall meet at least the following requirements:	1. Member States shall ensure that at least natural gas household customers, and microenterprises; <u>and small enterprises with an expected yearly consumption of below 100 000 kWh</u> have access, free of charge, to at least one tool comparing the offers of suppliers, including bundled offers. Customers shall be informed of the availability of such tools in or together with their bills or by other means. The tools shall meet at least the following requirements: 17.11.2023 Provisionally agreed

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 12(1), first subparagraph, point (a)			
345	(a) they shall be independent from market participants and ensure that natural gas undertakings are given equal treatment in search results;	(a) they shall be independent from market participants and ensure that natural gas undertakings are given equal treatment in search results;	(a) they shall be independent from market participants and ensure that natural gas undertakings are given equal treatment in search results;	(a) they shall be independent from market participants and ensure that natural gas undertakings are given equal treatment in search results; 17.11.2023 Provisionally agreed Text Origin: Commission Proposal
	Article 12(1), first subparagraph, point (b)			
346	(b) they shall clearly disclose their owners and the natural or legal person operating and controlling the tools, as well as information on how the tools are financed;	(b) they shall clearly disclose their owners and the natural or legal person operating and controlling the tools, as well as information on how the tools are financed;	(b) they shall clearly disclose their owners and the natural or legal person operating and controlling the tools, as well as information on how the tools are financed;	(b) they shall clearly disclose their owners and the natural or legal person operating and controlling the tools, as well as information on how the tools are financed; 17.11.2023 Provisionally agreed Text Origin: Commission Proposal
	Article 12(1), first subparagraph, point (c)			
347	(c) they shall set out clear and objective criteria on which the comparison is to be based, including services, and disclose	(c) they shall set out clear and objective criteria on which the comparison is to be based, including services, and disclose	(c) they shall set out clear and objective criteria on which the comparison is to be based, including services, and disclose	(c) they shall set out clear and objective criteria on which the comparison is to be based, including services, and disclose

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	them;	them;	them;	them; 17.11.2023 Provisionally agreed Text Origin: Commission Proposal
Article 12(1), first subparagraph, point (d)				
348	(d) they shall use plain and unambiguous language;	(d) they shall use plain and unambiguous language;	(d) they shall use plain and unambiguous language;	(d) they shall use plain and unambiguous language; 17.11.2023 Provisionally agreed Text Origin: Commission Proposal
Article 12(1), first subparagraph, point (e)				
349	(e) they shall provide accurate and up-to-date information and state the time of the last update on the information;	(e) they shall provide accurate and up-to-date information and state the time of the last update on the information;	(e) they shall provide accurate and up-to-date information and state the time of the last update on the information;	(e) they shall provide accurate and up-to-date information and state the time of the last update on the information; 17.11.2023 Provisionally agreed Text Origin: Commission Proposal
Article 12(1), first subparagraph, point (f)				
350	(f) they shall be accessible to persons with disabilities, by being	(f) they shall be accessible to persons with disabilities, by being	(f) they shall be accessible to persons with disabilities, by being	(f) they shall be accessible to persons with disabilities, by being

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	perceivable, operable, understandable and robust;	perceivable, operable, understandable and robust;	perceivable, operable, understandable and robust;	perceivable, operable, understandable and robust; 17.11.2023 Provisionally agreed Text Origin: Commission Proposal
Article 12(1), first subparagraph, point (g)				
351	(g) they shall provide an effective procedure for reporting incorrect information on published offers;	(g) they shall provide an effective procedure for reporting incorrect information on published offers;	(g) they shall provide an effective procedure for reporting incorrect information on published offers;	(g) they shall provide an effective procedure for reporting incorrect information on published offers; 17.11.2023 Provisionally agreed Text Origin: Commission Proposal
Article 12(1), first subparagraph, point (h)				
352	(h) they shall perform comparisons, while limiting the personal data requested to that strictly necessary for the comparison.	(h) they shall perform comparisons, while limiting the personal data requested to that strictly necessary for the comparison. █	(h) they shall perform comparisons, while limiting the personal data requested to that strictly necessary for the comparison.	(h) they shall perform comparisons, while limiting the personal data requested to that strictly necessary for the comparison. 17.11.2023 Provisionally agreed Text Origin: Commission Proposal
Article 12(1), first subparagraph, point (ha)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
352a				<u>(ha) they shall clearly indicate whether the price is fixed or variable and the contract length.</u> 17.11.2023 Provisionally agreed
Article 12(1), second subparagraph				
353	Member States shall ensure that at least one tool covers the entire natural gas market. Where multiple tools cover the market, those tools shall include, as complete as practicable, a range of gas offers covering a significant part of the market and, where those tools do not completely cover the market, a clear statement to that effect, before displaying results.	Member States shall ensure that at least one tool covers the entire gas market. Where multiple tools cover the market, those tools shall include, as complete as practicable, a range of gas offers covering a significant part of the market and, where those tools do not completely cover the market, a clear statement to that effect, before displaying results.	Member States shall ensure that at least one tool covers the entire natural gas market. Where multiple tools cover the market, those tools shall include, as complete as practicable, a range of gas offers covering a significant part of the market and, where those tools do not completely cover the market, a clear statement to that effect, before displaying results.	Member States shall ensure that at least one tool covers the entire natural gas market. Where multiple tools cover the market, those tools shall include, as complete as practicable, a range of gas offers covering a significant part of the market and, where those tools do not completely cover the market, a clear statement to that effect, before displaying results. <u>Suppliers and relevant intermediaries shall provide their relevant offers to at least one price comparison tool that covers the entire market.</u> <u>Suppliers shall ensure that the information provided to the operator of the comparison tool is accurate and up to date.</u> 17.11.2023 Provisionally agreed

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 12(2)				
354	2. The tools may be operated by any entity, including private companies and public authorities or bodies.	2. The tools may be operated by any entity, including private companies and public authorities or bodies.	2. The tools may be operated by any entity, including private companies and public authorities or bodies.	2. The tools may be operated by any entity, including private companies and public authorities or bodies. 17.11.2023 Provisionally agreed Text Origin: Commission Proposal
Article 12(3)(3)				
355	3. Member States may require comparison tools referred to in paragraph 1 to include comparative criteria relating to the nature of the services offered by the suppliers.	2a. Member States <i>shall</i> require comparison tools referred to in paragraph 1 to include comparative criteria relating to the nature of the services offered by the suppliers, <i>including on whether the price is fixed or variable, the contract length, the single unit price, including all charges and taxes, and discounts, in order to allow final customers to identify the cheapest offer, and in case the environmental impact is promoted as an essential feature of the offer, a description of that environmental impact.</i>	3. Member States may require comparison tools referred to in paragraph 1 to include comparative criteria relating to the nature of the services offered by the suppliers.	3. Member States may require comparison tools referred to in paragraph 1 to include comparative criteria relating to the nature of the services offered by the suppliers, <u>including, the single unit price, all charges and information on discounts, and, where applicable, environmental performance.</u> 17.11.2023 Provisionally agreed
Article 12(3), (3) a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
355a		<i>When establishing those criteria, Member States shall consult relevant stakeholders, including organisations representing consumer's interests.</i>		<u><i>When establishing those criteria, Member States shall consult relevant stakeholders.</i></u> 17.11.2023 Provisionally agreed
Article 12(4)				
356	4. Member States shall appoint a competent authority to be responsible for issuing trust marks for comparison tools that meet the requirements set out in paragraph 1, and for ensuring that comparison tools bearing a trust mark continue to meet those requirements. That authority shall be independent of any market participants and comparison tool operators.	4. Member States shall appoint a competent authority to be responsible for issuing trust marks for comparison tools that meet the requirements set out in paragraph 1, and for ensuring that comparison tools bearing a trust mark continue to meet those requirements. <i>To enable the competent authorities to issue trust marks, suppliers and relevant intermediaries shall provide them with all available current and past offers. In particular, competent authorities shall carry out regular reviews of price comparison tools bearing a trust mark to ensure that the requirements of paragraphs 1 and 3 continue to be met. That competent authority shall be independent of any market participants and comparison tool operators.</i>	4. Member States shall appoint a competent authority to be responsible for issuing trust marks for comparison tools that meet the requirements set out in paragraph 1, and for ensuring that comparison tools bearing a trust mark continue to meet those requirements. That authority shall be independent of any market participants and comparison tool operators.	4. Member States shall appoint a competent authority to be responsible for issuing trust marks for comparison tools that meet the requirements set out in paragraph 1, and for ensuring that comparison tools bearing a trust mark continue to meet those requirements. That authority shall be independent of any market participants and comparison tool operators. 17.11.2023 Provisionally agreed Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 12(5)				
357	5. Any tool comparing the offers of market participants shall be eligible to apply for a trust mark in accordance with this Article on a voluntary and non-discriminatory basis.	5. Any tool comparing the offers of market participants shall be eligible to apply for a trust mark in accordance with this Article on a voluntary and non-discriminatory basis.	5. Any tool comparing the offers of market participants shall be eligible to apply for a trust mark in accordance with this Article on a voluntary and non-discriminatory basis.	5. Any tool comparing the offers of market participants shall be eligible to apply for a trust mark in accordance with this Article on a voluntary and non-discriminatory basis. 17.11.2023 Provisionally agreed Text Origin: Commission Proposal
Article 12(6)				
358	6. By way of derogation from paragraphs 4 and 5, Member States may choose not to provide for the issuance of trust marks to comparison tools if a public authority or body provides a comparison tool that meets the requirements set out in paragraph 1.	6. By way of derogation from paragraphs 4 and 5, Member States may choose not to provide for the issuance of trust marks to comparison tools if a public authority or body provides a comparison tool that meets the requirements set out in paragraph 1.	6. By way of derogation from paragraphs 4 and 5, Member States may choose not to provide for the issuance of trust marks to comparison tools if a public authority or body provides a comparison tool that meets the requirements set out in paragraph 1.	6. By way of derogation from paragraphs 4 and 5, Member States may choose not to provide for the issuance of trust marks to comparison tools if a public authority or body provides a comparison tool that meets the requirements set out in paragraph 1. 17.11.2023 Provisionally agreed Text Origin: Commission Proposal
Article 13				
359				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 13 Active customers	Article 13 Active customers	Article 13 Active customers on the natural gas market	Article 13 Active customers <u>on the natural gas market</u> Text Origin: Council Mandate
Article 13(1)				
360	1. Member States shall ensure that final customers are entitled to act as active customers without being subject to disproportionate or discriminatory technical requirements, administrative requirements, procedures and charges, and to network charges that are not cost-reflective.	1. Member States shall ensure that final customers, <i>in particular from the agricultural or public sector, while maintaining their rights as final customers as established in this Directive</i> , are entitled to act as active customers without being subject to disproportionate or discriminatory technical requirements, administrative requirements, procedures and charges, and to network charges that are not cost-reflective. <i>Member States shall ensure that active customers comply with applicable sustainability and greenhouse gas emissions savings criteria under Article 29 of Directive (EU) 2018/2001 [amended RED] and the relevant provisions on methane emissions in Regulation (EU) .../...⁺.</i> ⁺. OJ: Please insert in the text the number of the Regulation contained in	1. Member States shall ensure that final customers are entitled to act as active customers without being subject to disproportionate or discriminatory technical requirements, administrative requirements, procedures and charges, and to network charges that are not cost-reflective.	1. Member States shall ensure that final customers, <u><i>in particular from the agricultural or public sector, while maintaining their rights as final customers as established in this Directive</i></u> , are entitled to act as active customers without being subject to disproportionate or discriminatory technical requirements, administrative requirements, procedures and charges, and to network charges that are not cost-reflective. <u>⁺. OJ: Please insert in the text the number of the Regulation contained in document PE-CONS .../... (2021/0423(COD)).</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>document PE-CONS .../... (2021/0423(COD)).</i>		
	Article 13(2)			
361	2. Member States shall ensure that active customers are:	2. Member States shall ensure that active customers are:	2. Member States shall ensure that active customers are:	2. Member States shall ensure that active customers are: Text Origin: Commission Proposal
	Article 13(2), point (a)			
362	(a) entitled to operate directly;	(a) entitled to operate directly;	(a) entitled to operate directly;	(a) entitled to operate directly; Text Origin: Commission Proposal
	Article 13(2), point (b)			
363	(b) entitled to sell self-produced renewable natural gases using the natural gas system;	(b) entitled to sell self-produced renewable natural gas using the natural gas system;	(b) entitled to sell self-produced renewable natural gases using the natural gas system;	(b) entitled to sell self-produced renewable natural gases using the natural gas system; Text Origin: Commission Proposal
	Article 13(2), point (c)			
364	(c) entitled to participate in energy efficiency schemes;	(c) entitled to participate in energy efficiency schemes;	(c) entitled to participate in energy efficiency and demand shifting schemes;	(c) entitled to participate in energy efficiency <u>and demand shifting</u> schemes;

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 13(2), point (d)			
365	(d) entitled to delegate to a third party the management of the installations required for their activities, including installation, operation, data handling and maintenance, without that third party being considered to be an active customer;	(d) entitled to delegate to a third party the management of the installations required for their activities, including installation, operation, data handling and maintenance, without that third party being considered to be an active customer;	(d) entitled to delegate to a third party the management of the installations required for their activities, including installation, operation, data handling and maintenance, without that third party being considered to be an active customer;	(d) entitled to delegate to a third party the management of the installations required for their activities, including installation, operation, data handling and maintenance, without that third party being considered to be an active customer; Text Origin: Commission Proposal
	Article 13(2), point (e)			
366	(e) subject to cost-reflective, transparent and non-discriminatory network charges, ensuring that they contribute in an adequate and balanced way to the overall cost sharing of the system;	(e) subject to cost-reflective, transparent and non-discriminatory network charges, ensuring that they contribute in an adequate and balanced way to the overall cost sharing of the system;	(e) subject to cost-reflective, transparent and non-discriminatory network charges, ensuring that they contribute in an adequate and balanced way to the overall cost sharing of the system;	(e) subject to cost-reflective, transparent and non-discriminatory network charges, ensuring that they contribute in an adequate and balanced way to the overall cost sharing of the system; Text Origin: Commission Proposal
	Article 13(2), point (f)			
367	(f) are financially responsible for the imbalances they cause in the natural gas system or shall delegate	(f) are financially responsible for the imbalances they cause in the natural gas system or shall delegate	(f) are financially responsible for the imbalances they cause in the natural gas system or shall delegate	(f) are financially responsible for the imbalances they cause in the natural gas system or shall delegate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	their balancing responsibility in accordance with Article 3 (e) of [recast Gas Regulation as proposed in COM(2021) xxx].	their balancing responsibility in accordance with Article 3 (e) of [recast Gas Regulation as proposed in COM(2021) xxx].	their balancing responsibility in accordance with Article 3 (e) of [Recast Gas Regulation as proposed in COM(2021)- ~~xxx~~ 804].	their balancing responsibility in accordance with Article 3 (e) of [Recast Gas Regulation as proposed in COM(2021)- ~~xxx~~ 804]. Text Origin: Council Mandate
Article 13(3)				
368	3. Member States may have different provisions applicable to individual and jointly-acting active customers in their national law, provided that all rights and obligations under this Article apply to all active customers. Any difference in the treatment of jointly-acting active customers shall be proportionate and duly justified.	3. Member States may have different provisions applicable to individual and jointly-acting active customers in their national law, provided that all rights and obligations under this Article apply to all active customers. Any difference in the treatment of jointly-acting active customers shall be proportionate and duly justified.	3. Member States may have different provisions applicable to individual and jointly-acting active customers in their national law, provided that all rights and obligations under this Article apply to all active customers. Any difference in the treatment of jointly-acting active customers shall be proportionate and duly justified.	3. Member States may have different provisions applicable to individual and jointly-acting active customers in their national law, provided that all rights and obligations under this Article apply to all active customers. Any difference in the treatment of jointly-acting active customers shall be proportionate and duly justified. Text Origin: Commission Proposal
Article 13(4)				
369	4. Member States shall ensure that active customers that own facilities that store renewable gas:	4. Member States shall ensure that renewable natural gas active customers that own facilities that produce or store renewable gas:	4. Member States shall ensure that active customers that own facilities that store renewable gas:	4. Member States shall ensure that active customers that own facilities that store renewable gas: Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 13(4), point (a)				
370	(a) have the right to a grid connection within a reasonable time after they made a request to that effect, provided that all necessary conditions, such as balancing responsibility, are fulfilled;	(a) have the right to a grid connection within a reasonable time after they made a request to that effect, provided that all necessary conditions, such as balancing responsibility, are fulfilled;	(a) have the right to a grid connection within a reasonable time after they made a request to that effect, provided that all necessary conditions, such as balancing responsibility, are fulfilled;	(a) have the right to a grid connection within a reasonable time after they made a request to that effect, provided that all necessary conditions, such as balancing responsibility, are fulfilled; Text Origin: Commission Proposal
Article 13(4), point (b)				
371	(b) are not subject to any double charges, including network charges, for stored renewable gas remaining within their premises;	(b) are not subject to any double charges, including network charges, for stored renewable gas remaining within their premises;	(b) are not subject to any double charges, including network charges, for stored renewable gas remaining within their premises;	(b) are not subject to any double charges, including network charges, for stored renewable gas remaining within their premises; Text Origin: Commission Proposal
Article 13(4), point (c)				
372	(c) are not subject to disproportionate licensing requirements or fees;	(c) are not subject to disproportionate licensing requirements or fees;	(c) are not subject to disproportionate licensing requirements or fees;	(c) are not subject to disproportionate licensing requirements or fees; Text Origin: Commission Proposal
Article 13(4), point (d)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
373	(d) are allowed to provide several services simultaneously, if technically feasible.	(d) are allowed to provide several services simultaneously, if technically feasible.	(d) are allowed to provide several services simultaneously, if technically feasible.	(d) are allowed to provide several services simultaneously, if technically feasible. Text Origin: Commission Proposal
Article 14				
374	Article 14 Citizen energy communities	<i>deleted</i>	Article 14 Citizen energy communities on the natural gas market	~~Article 14~~ <i>deleted</i>
Article 14(1)				
375	1. Member States shall provide an enabling regulatory framework for citizen energy communities ensuring that:	<i>deleted</i>	-1. Member States ~~shall~~ may provide an enabling regulatory framework for citizen energy communities ~~ensuring that~~ .	<i>deleted</i> Text Origin: Council Mandate
Article 14(1a)				
375a			2. Where Member States provide an enabling framework as referred to in paragraph 1, they shall ensure that:	<i>deleted</i> Text Origin: Council Mandate
Article 14(1), point (a)				
376				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(a) participation in a citizen energy community is open and voluntary;	<i>deleted</i>	(a) participation in a citizen energy community is open and voluntary;	<i>deleted</i> Text Origin: Commission Proposal
Article 14(1), point (b)				
377	(b) members or shareholders of a citizen energy community are entitled to leave the community, in which case Article 11 applies;	<i>deleted</i>	(b) members or shareholders of a citizen energy community are entitled to leave the community, in which case Article 11 applies;	<i>deleted</i> Text Origin: Commission Proposal
Article 14(1), point (c)				
378	(c) members or shareholders of a citizen energy community do not lose their rights and obligations as household customers or active customers;	<i>deleted</i>	(c) members or shareholders of a citizen energy community do not lose their rights and obligations as household customers or active customers;	<i>deleted</i> Text Origin: Commission Proposal
Article 14(1), point (d)				
379	(d) subject to fair compensation as assessed by the regulatory authority, relevant distribution system operators cooperate with citizen energy communities to facilitate transfers of renewable natural gases within citizen energy communities;	<i>deleted</i>	(d) subject to fair compensation as assessed by the regulatory authority, relevant distribution system operators cooperate with citizen energy communities to facilitate transfers of renewable natural gases within citizen energy communities;	<i>deleted</i> Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<i>Article 14(1), point (e)</i>			
380	(e) citizen energy communities are subject to non-discriminatory, fair, proportionate and transparent procedures and charges, including with respect to grid connection, registration and licensing, and to transparent, non-discriminatory and cost-reflective network charges, ensuring that they contribute in an adequate and balanced way to the overall cost sharing of the natural gas system.	<i>deleted</i>	(e) citizen energy communities are subject to non-discriminatory, fair, proportionate and transparent procedures and charges, including with respect to grid connection, registration and licensing, and to transparent, non-discriminatory and cost-reflective network charges, ensuring that they contribute in an adequate and balanced way to the overall cost sharing of the natural gas system.	<i>deleted</i> Text Origin: Commission Proposal
	<i>Article 14(2)</i>			
381	2. Member States may provide in the enabling regulatory framework that citizen energy communities:	<i>deleted</i>	23. Where Member States provide an enabling framework as referred to in paragraph 1, they may provide in ~~the~~ ^{that} enabling regulatory framework that ~~citizen~~ ^{citizens} energy communities:	<i>deleted</i> Text Origin: Council Mandate
	<i>Article 14(2), point (a)</i>			
382	(a) are open to cross-border participation;	<i>deleted</i>	(a) are open to cross-border participation;	<i>deleted</i>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<i>Article 14(2), point (b)</i>				
383	(b) are entitled to own, establish, purchase or lease distribution networks and to autonomously manage them subject to conditions set out in paragraph 4 of this Article;	<i>deleted</i>	(b) are entitled to own, establish, purchase or lease distribution networks and to autonomously manage them subject to conditions set out in paragraph 4 of this Article;	<i>deleted</i>
<i>Article 14(2), point (c)</i>				
384	(c) are subject to the exemptions provided for in Article 28(2).	<i>deleted</i>	(c) are subject to the exemptions provided for in Article 28(2).	<i>deleted</i> Text Origin: Commission Proposal
<i>Article 14(3), first subparagraph</i>				
385	3. Member States shall ensure that citizen energy communities:	<i>deleted</i>	34. Where Member States provide an enabling framework as referred to in paragraph 1, they shall ensure that citizen energy communities:	<i>deleted</i> Text Origin: Council Mandate
<i>Article 14(3), first subparagraph, point (a)</i>				
386	(a) are able to access all natural gas markets in a non-discriminatory manner;	<i>deleted</i>	(a) are able to access all natural gas markets in a non-discriminatory manner;	<i>deleted</i> Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<i>Article 14(3), first subparagraph, point (b)</i>			
387	(b) are treated in a non-discriminatory and proportionate manner with regard to their activities, rights and obligations as final customers, producers, suppliers or distribution system operators or market participants;	<i>deleted</i>	(b) are treated in a non-discriminatory and proportionate manner with regard to their activities, rights and obligations as final customers, producers, suppliers or distribution system operators or market participants;	<i>deleted</i> Text Origin: Commission Proposal
	<i>Article 14(3), first subparagraph, point (c)</i>			
388	(c) are financially responsible for the imbalances they cause in the natural gas system or shall delegate their balancing responsibility in line with Article 3 (e) of [recast Gas Regulation as proposed in COM(2021) xxx];	<i>deleted</i>	(c) are financially responsible for the imbalances they cause in the natural gas system or shall delegate their balancing responsibility in line with Article 3 (e) of [recast Gas Regulation as proposed in COM(2021)- ~~xxx~~ 804];	<i>deleted</i> Text Origin: Council Mandate
	<i>Article 14(3), first subparagraph, point (d)</i>			
389	(d) are treated like active customers in accordance with point (e) of paragraph 2 and points (a), (c) and (d) of Paragraph 4 of Article 13;	<i>deleted</i>	(d) are treated like active customers in accordance with point (e) of paragraph 2 and points (a), (c) and (d), of Paragraph 4 of Article 13;	<i>deleted</i> Text Origin: Commission Proposal
	<i>Article 14(3), first subparagraph, point (e)</i>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
390	(e) are entitled to arrange within the citizen energy community the sharing of renewable gas that are produced by the production units owned by the community, subject to other requirements laid down in this Article and subject to the community members retaining their rights and obligations as final customers.	<i>deleted</i>	(e) are entitled to arrange within the citizen energy community the sharing of renewable gas that are produced by the production units owned by the community, subject to other requirements laid down in this Article and subject to the community members retaining their rights and obligations as final customers.	<i>deleted</i> Text Origin: Commission Proposal
<i>Article 14(3), second subparagraph</i>				
391	For the purposes of the first subparagraph, point (e), where renewable natural gases are shared, this shall be without prejudice to applicable network charges, tariffs and levies, in accordance with a transparent cost-benefit analysis of distributed energy resources developed by the competent national authority.	<i>deleted</i>	For the purposes of the first subparagraph, point (e), where renewable ~~natural~~ gases are shared, this shall be without prejudice to applicable network charges, tariffs and levies, in accordance with a transparent cost-benefit analysis of distributed energy resources developed by the competent national authority.	<i>deleted</i> Text Origin: Council Mandate
<i>Article 14(4), first subparagraph</i>				
392	4. Member States may decide to grant citizen energy communities the right to manage distribution networks in their area of operation and establish the relevant	<i>deleted</i>	45. Member States may decide to grant citizen energy communities the right to manage distribution networks in their area of operation and establish the relevant	<i>deleted</i>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	procedures, without prejudice to Chapter VI or to other rules and regulations applying to distribution system operators.		procedures, without prejudice to Chapter VI or to other rules and regulations applying to distribution system operators.	
<i>Article 14(4), second subparagraph</i>				
393	Where such a right is granted, Member States shall ensure that citizen energy communities:	<i>deleted</i>	Where a right as referred to in the first subparagraph ~~such a right~~ is granted, Member States shall ensure that citizen energy communities:	<i>deleted</i> <i>Text Origin: Council Mandate</i>
<i>Article 14(4), second subparagraph, point (a)</i>				
394	(a) are allowed to transport non-renewable gas where such gas is for a natural gas customer who is not a member of the citizen energy community or is necessary for secure system operation;	<i>deleted</i>	(a) are allowed to transport non-renewable gas where such gas ~~is for a natural gas customer who is not a member of the citizen energy community or~~ is necessary for secure system operation;	<i>deleted</i> <i>Text Origin: Council Mandate</i>
<i>Article 14(4), second subparagraph, point (b)</i>				
395	(b) are entitled to conclude an agreement on the operation of their network with the relevant distribution system operator or transmission system operator to which their network is connected;	<i>deleted</i>	(b) are entitled to conclude an agreement on the operation of their network with the relevant distribution system operator or transmission system operator to which their network is connected;	<i>deleted</i> <i>Text Origin: Commission Proposal</i>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 14(4), second subparagraph, point (c)				
396	(c) are subject to appropriate network charges at the connection points between their network and the distribution network outside the citizen energy community;	deleted	(c) are subject to appropriate network charges at the connection points between their network and the distribution network outside the citizen energy community;	deleted Text Origin: Commission Proposal
Article 14(4), second subparagraph, point (d)				
397	(d) do not discriminate or harm customers who remain connected to the distribution system.	deleted	(d) do not discriminate or harm customers who remain connected to the distribution system.	deleted Text Origin: Commission Proposal
Article 14(4a)				
397a			6. Where Member States provide an enabling framework as referred to in paragraph 1, they shall ensure that:	deleted Text Origin: Council Mandate
Article 14(4b)				
397b			(a) private undertakings that are engaged in large-scale commercial activity and for which the gas sector constitutes a primary area of economic activity are not allowed to	deleted

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			participate as members or shareholder or cooperate through other means such as investment, either directly or indirectly through a subsidiary.	
	Article 14(4c)			
397c			(b) private undertakings that are engaged in large-scale commercial activity that participate in the community as members or shareholders, or who cooperate through other means such as investment cannot exercise any decisive influence on the decision-making of the citizen energy community.	<i>deleted</i>
	Article 14(4d)			
397d			(c) citizen energy communities are economically and financially independent from private undertakings other than renewable energy communities and small enterprises.	<i>deleted</i> Text Origin: Council Mandate
	Article 14(4e)			
397e			(d) At least 15% of voting rights	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			are allocated to household customers that are independent from other members or shareholders, such as small enterprises and local authorities.	deleted <i>Text Origin: Council Mandate</i>
Article 15				
398	Article 15 Bills and billing information	Article 15 Bills and billing information	Article 15 Bills and billing information	Article 15 Bills and billing information <i>Text Origin: Commission Proposal</i>
Article 15(1)				
399	1. Member States shall ensure that bills and billing information are accurate, easy to understand, clear, concise, user-friendly and presented in a manner that facilitates comparison by final customers and that they fulfil the minimum requirements set out in Annex I. On request, final customers shall receive a clear and understandable explanation of how their bill was derived, especially where bills are not based on actual consumption.	1. Member States shall ensure that bills and billing information are accurate, easy to understand, clear, concise, user-friendly and presented in a manner that facilitates comparison by final customers and that they fulfil the minimum requirements set out in Annex I. On request, final customers shall receive a clear and understandable explanation of how their bill was derived, especially where bills are not based on actual consumption.	1. Member States shall ensure that bills and billing information are accurate, easy to understand, clear, concise, user-friendly and presented in a manner that facilitates comparison by final customers and that they fulfil the minimum requirements set out in Annex I. On request, final customers shall receive a clear and understandable explanation of how their bill was derived, especially where bills are not based on actual consumption.	1. Member States shall ensure that bills and billing information are accurate, easy to understand, clear, concise, user-friendly and presented in a manner that facilitates comparison by final customers and that they fulfil the minimum requirements set out in Annex I. On request, final customers shall receive a clear and understandable explanation of how their bill was derived, especially where bills are not based on actual consumption. <i>Text Origin: Commission Proposal</i>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 15(2)			
400	2. Member States shall ensure that final customers receive all their bills and billing information free of charge.	2. Member States shall ensure that final customers receive all their bills and billing information free of charge.	2. Member States shall ensure that final customers receive all their bills and billing information free of charge.	2. Member States shall ensure that final customers receive all their bills and billing information free of charge. Text Origin: Commission Proposal
	Article 15(3)			
401	3. Member States shall ensure that final customers are offered the option of electronic bills and billing information and are offered flexible arrangements for the actual payment of the bills.	3. Member States shall ensure that final customers are offered the option of electronic bills and billing information and are offered flexible arrangements for the actual payment of the bills.	3. Member States shall ensure that final customers are offered the option of electronic bills and billing information and, at least in the case of household customers and small and micro enterprises, that ~~are offered~~ flexible arrangements for the actual payment of the bills are offered .	3. Member States shall ensure that final customers are offered the option of electronic bills and billing information and are offered flexible arrangements for the actual payment of the bills. Text Origin: Commission Proposal
	Article 15(4)			
402	4. Where the contract provides for a future change of the product or price, or a discount, this shall be indicated on the bill together with the date on which the change takes place.	4. Where the contract provides for a future change of the product or price, or a discount, this shall be indicated on the bill together with the date on which the change takes place.	4. Where the contract provides for a future change of the product or price, or a discount, this shall be indicated on the bill together with the date on which the change takes place.	4. Where the contract provides for a future change of the product or price, or a discount, this shall be indicated on the bill together with the date on which the change takes place.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 15(5)				
403	5. Member States shall consult consumer organisations when they consider changes to the requirements for the content of bills.	5. Member States shall consult consumer organisations when they consider changes to the requirements for the content of bills.	5. Member States shall consult consumer organisations when they consider changes to the requirements for the content of bills.	5. Member States shall consult consumer organisations when they consider changes to the requirements for the content of bills. Text Origin: Commission Proposal
Article 16				
404	Article 16 Smart metering systems in the natural gas system	Article 16 Smart metering systems in the natural gas system	Article 16 Smart metering systems in the natural gas system	Article 16 Smart metering systems in the natural gas system Text Origin: Commission Proposal
Article 16(1)				
405	1. In order to promote energy efficiency and to empower final customers, Member States or, where a Member State has so provided, the regulatory authority shall strongly recommend that	1. In order to <i>complement</i> energy efficiency <i>measures adopted pursuant to Directives (EU) .../...⁺ and (EU) .../...⁺⁺</i> and to <i>further</i> empower final customers, Member States or, where a Member State	1. In order to promote energy efficiency and to empower final customers, Member States or, where a Member State has so provided, the regulatory authority shall strongly recommend that	1. In order to ~~promote~~ <i>complement</i> energy efficiency <i>measures adopted pursuant to Directives (EU) .../...⁺ and (EU) .../...⁺⁺</i> and to <i>further</i> empower final customers, Member States or, where a

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	natural gas undertakings optimise the use of natural gas, inter alia, by providing energy management services, and introducing smart metering systems that are interoperable, in particular with consumer energy management systems and with smart grids, in accordance with the applicable Union data protection rules.	has so provided, the regulatory authority shall strongly recommend that natural gas undertakings optimise the use of natural gas, inter alia, by providing energy management services, <i>after a positive cost-benefit assessment,</i> and introducing smart metering systems that are interoperable, in particular with consumer energy management systems and with smart grids, in accordance with the applicable Union data protection rules. +. <i>OJ: Please insert in the text the number of the Directive contained in document PE-CONS .../... (2021/0203(COD)).</i> ++. <i>OJ: Please insert in the text the number of the Directive contained in document PE-CONS .../... (2021/0426(COD)).</i>	natural gas undertakings optimise the use of natural gas, inter alia, by providing energy management services, and introducing smart metering systems that are interoperable, in particular with consumer energy management systems and with smart grids, in accordance with the applicable Union data protection rules.	Member State has so provided, the regulatory authority shall strongly recommend that natural gas undertakings optimise the use of natural gas, inter alia, by providing energy management services, and introducing smart metering systems <u>in accordance with paragraph 2</u> that are interoperable, in particular with consumer energy management systems and with smart grids, in accordance with the applicable Union data protection rules. <u>+. OJ: Please insert in the text the number of the Directive contained in document PE-CONS .../... (2021/0203(COD)).</u> <u>++. OJ: Please insert in the text the number of the Directive contained in document PE-CONS .../... (2021/0426(COD)).</u>
Article 16(2)				
406	2. Member States shall ensure the deployment in their territories of smart metering systems. Such deployment may be subject to a cost-benefit assessment which shall be undertaken in accordance with	2. Member States shall <i>proceed with</i> the deployment in their territories of smart metering systems <i>that assist the active participation of customers only after a positive</i> cost-benefit	2. Member States shall ensure the deployment in their territories of smart metering systems. Notwithstanding the first subparagraph, such obligation to deploy Such deployment may be	2. Member States shall ~~ensure the~~ <u>proceed with the</u> deployment in their territories of smart metering systems. ~~Such deployment may be subject to a~~ <u>only after a</u> cost-benefit assessment which shall be

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the principles laid down in Annex II.	assessment which <i>clearly assesses and specifies the benefits to customers that arise from the use of smart meters and of signing up for smart meter-enabled offers.</i> <i>The cost-benefit assessment</i> shall be undertaken in accordance with the principles laid down in Annex II. <i>The cost-benefit assessment shall also evaluate the impacts of deploying smart metering systems only for industrial customers.</i>	subject to a cost-benefit assessment which shall be undertaken in accordance with the principles laid down in Annex II. In their cost-benefit assessment, Member States may make separate assessments for different categories of customers and customer groups, such as households, small and medium-sized enterprises and industry.	undertaken in accordance with the principles laid down in Annex II <u>identifying the net benefits to customers that arise from the use of smart meters and of signing up for smart meter-enabled offers. In their cost-benefit assessment, Member States may make separate assessments and evaluate the impacts of deploying smart metering systems for different categories of customers and customer groups, such as households, small and medium-sized enterprises and industry .</u> In addition a recital should be added : Limited implementations of smart metering systems, such as pilot projects and testing phases, are not considered as deployments of such systems within the meaning of this Directive.
Article 16(3)				
407	3. Member States that proceed with the deployment of smart metering systems shall adopt and publish the minimum functional and technical requirements for the smart metering systems to be	3. Member States that proceed with the deployment of smart metering systems shall adopt and publish the minimum functional and technical requirements for the smart metering systems to be	3. Member States that proceed with the deployment of smart metering systems shall adopt and publish the minimum functional and technical requirements for the smart metering systems to be	3. Member States that proceed with the deployment of smart metering systems shall adopt and publish the minimum functional and technical requirements for the smart metering systems to be

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	deployed in their territories, in accordance with Article 18 and Annex II. Member States shall ensure the interoperability of those smart metering systems, as well as their ability to provide output for consumer energy management systems. In that respect, Member States shall have due regard to the use of the relevant available standards, including those enabling interoperability, to best practices and to the importance of the development of smart grids and the development of the internal market for natural gas.	deployed in their territories, in accordance with Article 18 and Annex II. Member States shall ensure the interoperability of those smart metering systems, as well as their ability to provide output for consumer energy management systems. In that respect, Member States shall have due regard to the use of the relevant available standards, including those enabling interoperability, to best practices and to the importance of the development of smart grids and the development of the internal market for natural gas.	deployed in their territories, in accordance with Article 18 and Annex II. Member States shall ensure the interoperability of those smart metering systems, as well as their ability to provide output for consumer energy management systems. In that respect, Member States shall have due regard to the use of the relevant available standards, including those enabling interoperability, to best practices and to the importance of the development of smart grids and the development of the internal market for natural gas.	deployed in their territories, in accordance with Article 18 and Annex II. Member States shall ensure the interoperability of those smart metering systems, as well as their ability to provide output for consumer energy management systems. In that respect, Member States shall have due regard to the use of the relevant available standards, including those enabling interoperability, to best practices and to the importance of the development of smart grids and the development of the internal market for natural gas. Text Origin: Commission Proposal
Article 16(3a)				
407a		<i>3a. Member States that proceed with the deployment of smart metering systems shall develop guidelines regarding the provision of clear and understandable information and advice to customers about the benefits of smart meters. Member States shall develop those guidelines after consulting consumer bodies and other relevant organisations.</i>		<u>3a. Member States that proceed with the deployment of smart metering systems shall ensure the provision of clear and understandable information and advice to customers about the benefits of smart meters after consulting consumer bodies and other relevant organisations. This information shall at least:</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>Those guidelines shall at least:</i>		
Article 16(3a), point (a)				
G	407b	<i>(a) include advice on how customer groups can use their smart metering system to improve their energy efficiency;</i>		<u><i>(a) include advice on how customer groups can use their smart metering system to improve their energy efficiency;</i></u>
Article 16(3a), point (b)				
G	407c	<i>(b) establish industry wide standards to address the specific needs of vulnerable customers, such as persons with a visual or hearing impairment, and persons with low levels of literacy;</i>		<u><i>(b) address the specific needs of energy poor or vulnerable customers, such as persons with a visual or hearing impairment, and persons with low levels of literacy also via engagement strategies as defined in Article 2, point 50a of Directive [revised EED];</i></u>
Article 16(3a), point (c)				
G	407d	<i>(c) include local engagement strategies to encourage the support of authorities and support services to explain how smart appliances can benefit vulnerable customers and customers affected by or at risk of energy poverty.</i>		
Article 16(4)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
408	4. Member States that proceed with the deployment of smart metering systems shall ensure that final customers contribute to the associated costs of the deployment in a transparent and non-discriminatory manner, while taking into account the long-term benefits to the whole value chain. Member States or, where a Member State has so provided, the designated competent authorities, shall regularly monitor such deployment in their territories to track the delivery of benefits to consumers.	4. Member States that proceed with the deployment of smart metering systems shall ensure that final customers contribute to the associated costs of the deployment in a transparent and non-discriminatory manner, while taking into account the long-term benefits to the whole value chain. Member States or, where a Member State has so provided, the designated competent authorities, shall regularly monitor such deployment in their territories to track the delivery of benefits to customers. Benefits to network operations in accordance with the cost-benefit assessment, for example, in terms of savings, in particular due to better network management, more efficient fault clearing, more precise planning and the identification of network losses, shall be subtracted when calculating customers' contribution.	4. Member States that proceed with the deployment of smart metering systems shall ensure that final customers contribute to the associated costs of the deployment in a transparent and non-discriminatory manner, while taking into account the long-term benefits to the whole value chain. Member States or, where a Member State has so provided, the designated competent authorities, shall regularly monitor such deployment in their territories to track the delivery of benefits to consumers.	4. Member States that proceed with the deployment of smart metering systems shall ensure that final customers contribute to the associated costs of the deployment in a transparent and non-discriminatory manner, while taking into account the long-term benefits to the whole value chain, <u>including the benefits to network operations, when calculating the network charges applicable to or fees paid by customers</u>. Member States or, where a Member State has so provided, the designated competent authorities, shall regularly monitor such deployment in their territories to track the delivery of benefits to ~~consumers~~<u>customers</u>.
Article 16(5)				
409	5. Where the deployment of smart metering systems has been negatively assessed as a result of	5. █	5. Where the deployment of smart metering systems has been negatively assessed as a result of	5. █ Where the deployment of smart metering systems has been negatively assessed as a result of

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the cost-benefit assessment referred to in paragraph 2, Member States shall ensure that the assessment is revised at least every four years in response to significant changes in the underlying assumptions and in response to technological and market developments. Member States shall notify to the Commission the outcome of their updated cost-benefit assessment as it becomes available.		the cost-benefit assessment referred to in paragraph 2, Member States shall ensure that the assessment is revised at least every four years in response to significant changes in the underlying assumptions and in response to technological and market developments. Member States shall notify to the Commission the outcome of their updated cost-benefit assessment as it becomes available.	the cost-benefit assessment referred to in paragraph 2, Member States shall ensure that the assessment is revised ~~at least every four years~~ in response to significant changes in the underlying assumptions and in response to technological and market developments. Member States shall notify to the Commission the outcome of their updated cost-benefit assessment as it becomes available.
Article 16(6)				
410	6. The provisions in this Directive concerning smart metering systems shall apply to future installations and to installations that replace older smart meters. Smart metering systems that have already been installed, or for which the ‘start of works’ began, before [date of entry into force], may remain in operation over their lifetime. However, smart metering systems that do not meet the requirements of Article 20 and Annex II, shall not remain in operation after [12 years after entering into force of this Directive].	6. The provisions in this Directive concerning smart metering systems shall apply to future installations and to installations that replace older smart meters. Smart metering systems that have already been installed, or for which the ‘start of works’ began, before [date of entry into force], may remain in operation over their lifetime. However, smart metering systems that do not meet the requirements of Article 20 and Annex II, shall not remain in operation after [12 years after entering into force of this Directive].	6. The provisions in this Directive concerning smart metering systems shall apply to future installations and to installations that replace older smart meters. Smart metering systems that have already been installed, or for which the ‘start of works’ began, before [date of entry into force], may remain in operation over their lifetime. However, smart metering systems that do not meet the requirements of Article-20 18 and Annex II, shall not remain in operation after [12 years after entering into force of this Directive].	6. The provisions in this Directive concerning smart metering systems shall apply to future installations and to installations that replace older smart meters. Smart metering systems that have already been installed, or for which the ‘start of works’ began, before [date of entry into force], may remain in operation over their lifetime. However, smart metering systems that do not meet the requirements of Article-20 18 and Annex II, shall not remain in operation after [12 years after entering into force of this Directive].

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Council Mandate
Article 16(7)				
411	7. For the purpose of paragraph 6, ‘start of works’ means either the start of construction works on the investment or the first firm commitment to order equipment or other commitment that makes the investment irreversible, whichever is the first in time. Buying of land and preparatory works such as obtaining permits and conducting preliminary feasibility studies shall not considered as start of works. For take-overs, ‘start of works’ means the moment of acquiring the assets directly linked to the acquired establishment.	7. For the purpose of paragraph 6, ‘start of works’ means either the start of construction works on the investment or the first firm commitment to order equipment or other commitment that makes the investment irreversible, whichever is the first in time. Buying of land and preparatory works such as obtaining permits and conducting preliminary feasibility studies shall not considered as start of works. For take-overs, ‘start of works’ means the moment of acquiring the assets directly linked to the acquired establishment.	7. For the purpose of paragraph 6, ‘start of works’ means either the start of construction works on the investment or the first firm commitment to order equipment or other commitment that makes the investment irreversible, whichever is the first in time. Buying of land and preparatory works such as obtaining permits and conducting preliminary feasibility studies shall not be considered as start of works. For take-overs, ‘start of works’ means the moment of acquiring the assets directly linked to the acquired establishment.	7. For the purpose of paragraph 6, ‘start of works’ means either the start of construction works on the investment or the first firm commitment to order equipment or other commitment that makes the investment irreversible, whichever is the first in time. Buying of land and preparatory works such as obtaining permits and conducting preliminary feasibility studies shall not <u>be</u> considered as start of works. For take-overs, ‘start of works’ means the moment of acquiring the assets directly linked to the acquired establishment. Text Origin: Council Mandate
Article 17				
412	Article 17 Smart metering systems in the hydrogen system	<i>deleted</i>	Article 17 Smart metering systems in the hydrogen system	Article 17 Smart metering systems in the hydrogen system Text Origin: Commission Proposal
Article 17(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
413	1. Member States shall ensure the deployment of smart metering systems that can accurately measure consumption, provide information on actual time of use, and are capable to transmit and receive data for information, monitoring and control purposes, using a form of electronic communication.	<i>deleted</i>	1. Member States shall ensure the deployment of smart metering systems that can accurately measure consumption, provide information on actual time of use, and are capable to transmit and receive data for information, monitoring and control purposes, using a form of electronic communication.	1. Member States shall ensure the deployment of smart metering systems that can accurately measure consumption, provide information on actual time of use, and are capable to transmit and receive data for information, monitoring and control purposes, using a form of electronic communication. Text Origin: Commission Proposal
Article 17(1a)				
413a			Notwithstanding the first subparagraph, such obligation to deploy may be subject to a cost-benefit assessment which shall be undertaken in accordance with the principles laid down in Annex II.	<u>1a. Notwithstanding the first subparagraph, such obligation to deploy shall be subject to a cost-benefit assessment at least for households, which shall be undertaken in accordance with the principles laid down in Annex II.</u>
Article 17(2)				
414	2. Member States shall ensure the security of the metering systems and respective data communication, and the privacy of	<i>deleted</i>	2. Member States shall ensure the security of the metering systems and respective data communication, and the privacy of	2. Member States shall ensure the security of the metering systems and respective data communication, and the privacy of

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	final customers, in compliance with relevant Union data protection and privacy legislation, as well as their interoperability and having regard to the use of appropriate standards.		final customers, in compliance with relevant Union data protection and privacy legislation, as well as their interoperability and having regard to the use of appropriate standards.	final customers, in compliance with relevant Union data protection and privacy legislation, as well as their interoperability and having regard to the use of appropriate standards. Text Origin: Commission Proposal
Article 17(3)				
415	3. The Commission shall adopt, by means of implementing acts, interoperability requirements for smart metering and procedures to ensure, for those eligible, access to data coming from those metering systems. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 4 of Regulation (EU) No 182/2011.	<i>deleted</i>	3. The Commission shall adopt, by means of implementing acts, interoperability requirements for smart metering and procedures to ensure, for those eligible, access to data coming from those metering systems. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 4 of Regulation (EU) No 182/2011.	3. The Commission shall adopt, by means of implementing acts, interoperability requirements for smart metering and procedures to ensure, for those eligible, access to data coming from those metering systems. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 4 of Regulation (EU) No 182/2011. Text Origin: Commission Proposal
Article 17(3a)				
415a			4. Member States that proceed with the deployment of smart metering systems shall ensure that final customers contribute to	<u>3a. Member States that proceed with the deployment of smart metering systems shall ensure that final customers contribute to the</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			the associated costs of the deployment in a transparent and non-discriminatory manner, while taking into account the long-term benefits to the whole value chain. Member States shall regularly monitor such deployment in their territories to track the delivery of benefits to consumers.	<u>associated costs of the deployment in a transparent and non-discriminatory manner, while taking into account the long-term benefits to the whole value chain, including the benefits to network operations, when calculating the network charges applicable to or fees paid by customers. Member States shall regularly monitor such deployment in their territories to track the delivery of benefits to customers.</u>
Article 17(3b)				
415b			5. Where the deployment of smart metering systems has been negatively assessed as a result of the cost-benefit assessment referred to in paragraph 1, Member States shall ensure that the assessment is revised at least every four years in response to significant changes in the underlying assumptions and in response to technological and market developments. Member States shall notify to the Commission the outcome of their updated cost-benefit assessment as it becomes available.	<u>3b. Where the deployment of smart metering systems has been negatively assessed as a result of the cost-benefit assessment referred to in paragraph 1, Member States shall ensure that the assessment is revised periodically in response to significant changes in the underlying assumptions and in response to technological and market developments. Member States shall notify to the Commission the outcome of their updated cost-benefit assessment as it becomes available.</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 18				
416	Article 18 Functionalities of smart metering systems in the natural gas system	Article 18 Functionalities of smart metering systems in the natural gas system	Article 18 Functionalities of smart metering systems in the natural gas system	Article 18 Functionalities of smart metering systems in the natural gas system Text Origin: Commission Proposal
Article 18, first paragraph				
417	Where the deployment of smart metering systems is positively assessed as a result of the cost-benefit assessment referred to in Article 16(2), or where smart metering systems are systematically deployed after [date of entry into force], Member States shall deploy those systems in accordance with European standards, the following requirements, and Annex II:	Where the deployment of smart metering systems is positively assessed as a result of the cost-benefit assessment referred to in Article 16(2), Member States shall deploy those systems in accordance with European standards, the following requirements, and Annex II:	Where the deployment of smart metering systems is positively assessed as a result of the cost-benefit assessment referred to in Article 16(2), or where smart metering systems are systematically deployed after [date of entry into force], Member States shall deploy those systems in accordance with European standards, the following requirements, and Annex II:	Where the deployment of smart metering systems is positively assessed as a result of the cost-benefit assessment referred to in Article 16(2), or where smart metering systems are systematically deployed after [date of entry into force], Member States shall deploy those systems in accordance with European standards, the following requirements, and Annex II: Text Origin: Commission Proposal
Article 18, first paragraph, point (a)				
418	(a) the smart metering systems shall accurately measure actual natural gas consumption and shall be capable of providing to final	(a) the smart metering systems shall accurately measure actual natural gas consumption and shall be capable of providing to final	(a) the smart metering systems shall accurately measure actual natural gas consumption and shall be capable of providing to final	(a) the smart metering systems shall accurately measure actual natural gas consumption and shall be capable of providing to final

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	customers information on actual time of use, including validated historical consumption data which shall be made easily and securely available and visualised to final customers on request and at no additional cost, and non -validated most recent available consumption data which shall also be made easily and securely available to final customers at no additional cost, through a standardised interface or through remote access, in order to support automated energy efficiency programmes, and other services;	customers information on actual time of use, including validated historical consumption data which shall be made easily and securely available and visualised to final customers on request and at no additional cost, and non -validated most recent available consumption data which shall also be made easily and securely available to final customers at no additional cost, through a standardised interface or through remote access, in order to support automated energy efficiency programmes, and other services;	customers information on actual time of use, including validated historical consumption data which shall be made easily and securely available and visualised to final customers on request and at no additional cost, and non -validated most recent available consumption data which shall also be made easily and securely available to final customers at no additional cost, through a standardised interface or through remote access, in order to support automated energy efficiency programmes, and other services;	customers information on actual time of use, including validated historical consumption data which shall be made easily and securely available and visualised to final customers on request and at no additional cost, and non -validated most recent available consumption data which shall also be made easily and securely available to final customers at no additional cost, through a standardised interface or through remote access, in order to support automated energy efficiency programmes, and other services; Text Origin: Commission Proposal
	Article 18, first paragraph, point (b)			
419	(b) the security of the smart metering systems and data communication shall comply with relevant Union security rules, having due regard to the best available techniques for ensuring the highest level of cybersecurity protection while bearing in mind the costs and the principle of proportionality;	(b) the security of the smart metering systems and data communication shall comply with relevant Union security rules, having due regard to the best available techniques for ensuring the highest level of cybersecurity protection while bearing in mind the costs and the principle of proportionality;	(b) the security of the smart metering systems and data communication shall comply with relevant Union security rules, having due regard to the best available techniques for ensuring the highest level of cybersecurity protection while bearing in mind the costs and the principle of proportionality;	(b) the security of the smart metering systems and data communication shall comply with relevant Union security rules, having due regard to the best available techniques for ensuring the highest level of cybersecurity protection while bearing in mind the costs and the principle of proportionality;

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 18, first paragraph, point (c)				
420	(c) the privacy of final customers and the protection of their data shall comply with relevant Union data protection and privacy rules;	(c) the privacy of final customers and the protection of their data shall comply with relevant Union data protection and privacy rules;	(c) the privacy of final customers and the protection of their data shall comply with relevant Union data protection and privacy rules;	(c) the privacy of final customers and the protection of their data shall comply with relevant Union data protection and privacy rules; Text Origin: Commission Proposal
Article 18, first paragraph, point (d)				
421	(d) if final customers request it, their natural gas consumption data shall be made available to them, in accordance with the implementing acts adopted pursuant to Article 23, through a standardised communication interface or through remote access, or to a third party acting on their behalf, in an easily understandable format allowing them to compare offers on a like-for-like basis;	(d) if final customers request it, their natural gas consumption data shall be made available to them, in accordance with the implementing acts adopted pursuant to Article 23, through a standardised communication interface or through remote access, or to a third party acting on their behalf, in an easily understandable format allowing them to compare offers on a like-for-like basis;	(d) if final customers request it, their natural gas consumption data shall be made available to them, in accordance with the implementing acts adopted pursuant to Article-23 22, through a standardised communication interface or through remote access, or to a third party acting on their behalf, in an easily understandable format allowing them to compare offers on a like-for-like basis;	(d) if final customers request it, their natural gas consumption data shall be made available to them, in accordance with the implementing acts adopted pursuant to Article-23 22, through a standardised communication interface or through remote access, or to a third party acting on their behalf, in an easily understandable format allowing them to compare offers on a like-for-like basis; Text Origin: Council Mandate
Article 18, first paragraph, point (e)				
422				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(e) appropriate advice and information shall be given to final customers prior to or at the time of installation of smart meters, in particular concerning their full potential with regard to the management of meter reading and the monitoring of energy consumption, and concerning the collection and processing of personal data in accordance with the applicable Union data protection rules;	(e) appropriate advice and information shall be given to final customers prior to or at the time of installation of smart meters, in particular concerning their full potential with regard to the management of meter reading and the monitoring of energy consumption, and concerning the collection and processing of personal data in accordance with the applicable Union data protection rules;	(e) appropriate advice and information shall be given to final customers prior to or at the time of installation of smart meters, in particular concerning their full potential with regard to the management of meter reading and the monitoring of energy consumption, and concerning the collection and processing of personal data in accordance with the applicable Union data protection rules;	(e) appropriate advice and information shall be given to final customers prior to or at the time of installation of smart meters, in particular concerning their full potential with regard to the management of meter reading and the monitoring of energy consumption, and concerning the collection and processing of personal data in accordance with the applicable Union data protection rules; Text Origin: Commission Proposal
Article 18, first paragraph, point (f)				
423	(f) smart metering systems shall enable final customers to be metered and settled at the same time resolution as the shortest settlement period in the national market.	(f) smart metering systems shall enable final customers to be metered and settled at the same time resolution as the shortest settlement period in the national market.	(f) smart metering systems shall enable final customers to be metered and settled at the same time resolution as the shortest settlement period in the national market.	(f) smart metering systems shall enable final customers to be metered and settled at the same time resolution as the shortest settlement period in the national market. Text Origin: Commission Proposal
Article 18, second paragraph				
424	For the purposes of point (d) of the first subparagraph, it shall be	For the purposes of point (d) of the first subparagraph, it shall be	For the purposes of point (d) of the first subparagraph, it shall be	For the purposes of point (d) of the first subparagraph, it shall be

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	possible for final customers to retrieve their metering data or transmit them to another party at no additional cost and in accordance with their right to data portability under Union data protection rules.	possible for final customers to retrieve their metering data or transmit them to another party at no additional cost and in accordance with their right to data portability under Union data protection rules.	possible for final customers to retrieve their metering data or transmit them to another party at no additional cost and in accordance with their right to data portability under Union data protection rules.	possible for final customers to retrieve their metering data or transmit them to another party at no additional cost and in accordance with their right to data portability under Union data protection rules. Text Origin: Commission Proposal
Article 19				
425	Article 19 Entitlement to a smart meter for natural gas	Article 19 Entitlement to a smart meter for natural gas <i>for industrial customers</i>	Article 19 Entitlement to a smart meter for natural gas	Article 19 Entitlement to a smart meter for natural gas Text Origin: Commission Proposal
Article 19(1)				
426	1. Where the deployment of smart metering systems has been negatively assessed as a result of the cost-benefit assessment referred to in Article 16(2) and where smart metering systems are not systematically deployed, Member States shall ensure that every final customer is entitled on request, while bearing the associated costs, to have installed	1. Where the deployment of smart metering systems has been negatively assessed as a result of the cost-benefit assessment referred to in Article 16(2) , Member States shall ensure that every <i>industrial</i> customer is entitled, on request, while bearing the associated costs, to have installed or, where applicable, to have upgraded, under fair,	1. Where the deployment of smart metering systems has been negatively assessed as a result of the cost-benefit assessment referred to in Article 16(2) and where smart metering systems are not systematically deployed, Member States shall ensure that every final customer is entitled on request, while bearing the associated costs, to have installed	1. Where the deployment of smart metering systems has been negatively assessed as a result of the cost-benefit assessment referred to in Article 16(2) and where smart metering systems are not systematically deployed, Member States shall ensure that every ~~final~~ customer is entitled, on request, while bearing the associated costs, to have installed

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	or, where applicable, to have upgraded, under fair, reasonable and cost-effective conditions, a smart meter that:	reasonable and cost-effective conditions, a smart meter that:	or, where applicable, to have upgraded, under fair, reasonable and cost-effective conditions, a smart meter that:	or, where applicable, to have upgraded, under fair, reasonable and cost-effective conditions, a smart meter that:
Article 19(1), point (a)				
427	(a) is equipped, where technically feasible, with the functionalities referred to in Article 18, or with a minimum set of functionalities to be defined and published by Member States at national level in accordance with Annex II;	(a) is equipped, where technically feasible, with the functionalities referred to in Article 18, or with a minimum set of functionalities to be defined and published by Member States at national level in accordance with Annex II;	(a) is equipped, where technically feasible, with the functionalities referred to in Article 18, or with a minimum set of functionalities to be defined and published by Member States at national level in accordance with Annex II;	(a) is equipped, where technically feasible, with the functionalities referred to in Article 18, or with a minimum set of functionalities to be defined and published by Member States at national level in accordance with Annex II; Text Origin: Commission Proposal
Article 19(1), point (b)				
428	(b) is interoperable and able to deliver the desired connectivity of the metering infrastructure with consumer energy management systems.	(b) is interoperable and able to deliver the desired connectivity of the metering infrastructure with consumer energy management systems.	(b) is interoperable and able to deliver the desired connectivity of the metering infrastructure with consumer energy management systems.	(b) is interoperable and able to deliver the desired connectivity of the metering infrastructure with consumer energy management systems. Text Origin: Commission Proposal
Article 19(2)				
429	2. Where a customer requests a	2. Where a <i>industrial</i> customer	2. Where a customer requests a	2. Where a customer requests a

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	smart meter pursuant to paragraph 1, Member States or, where a Member State has so provided, the designated competent authorities shall:	requests a smart meter pursuant to paragraph 1, Member States or, where a Member State has so provided, the designated competent authorities shall:	smart meter pursuant to paragraph 1, Member States or, where a Member State has so provided, the designated competent authorities shall:	smart meter pursuant to paragraph 1, Member States or, where a Member State has so provided, the designated competent authorities shall: Text Origin: Commission Proposal
Article 19(2), point (a)				
430	(a) ensure that the offer to the final customer requesting the installation of a smart meter explicitly states and clearly describes:	(a) ensure that the offer to the industrial customer requesting the installation of a smart meter explicitly states and clearly describes:	(a) ensure that the offer to the final customer requesting the installation of a smart meter explicitly states and clearly describes:	(a) ensure that the offer to the final customer requesting the installation of a smart meter explicitly states and clearly describes: Text Origin: Commission Proposal
Article 19(2), point (a)(i)				
431	(i) the functions and interoperability that can be supported by the smart meter and the services that can be provided as well as the benefits that can be realistically attained by having that smart meter at that moment in time;	(i) the functions and interoperability that can be supported by the smart meter and the services that can be provided as well as the benefits that can be realistically attained by having that smart meter at that moment in time;	(i) the functions and interoperability that can be supported by the smart meter and the services that can be provided as well as the benefits that can be realistically attained by having that smart meter at that moment in time;	(i) the functions and interoperability that can be supported by the smart meter and the services that can be provided as well as the benefits that can be realistically attained by having that smart meter at that moment in time; Text Origin: Commission Proposal

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	Article 19(2), point (a)(ii)			
G 432	(ii) any associated costs to be borne by the final customer;	(ii) any associated costs to be borne by the <i>industrial</i> customer;	(ii) any associated costs to be borne by the final customer;	(ii) any associated costs to be borne by the ~~final~~ customer;
	Article 19(2), point (b)			
G 433	(b) ensure that the smart meter is installed within a reasonable time, and in any case no later than four months after the customer's request;	(b) ensure that the smart meter is installed within a reasonable time, and in any case no later than four months after the <i>industrial</i> customer's request;	(b) ensure that the smart meter is installed within a reasonable time, and in any case no later than four months after the customer's request;	(b) ensure that the smart meter is installed within a reasonable time, and in any case no later than four months after the customer's request; Text Origin: Commission Proposal
	Article 19(2), point (c)			
G 434	(c) regularly, and at least every two years, review and make publicly available the associated costs, and trace the evolution of those costs as a result of technology developments and potential metering system upgrades.	(c) regularly, and at least every two years, review and make publicly available the associated costs, and trace the evolution of those costs as a result of technology developments and potential metering system upgrades.	(c) regularly, and at least every two years, review and make publicly available the associated costs, and trace the evolution of those costs as a result of technology developments and potential metering system upgrades.	(c) regularly, and at least every two years, review and make publicly available the associated costs, and trace the evolution of those costs as a result of technology developments and potential metering system upgrades. Text Origin: Commission Proposal
	Article 20			
G 435				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 20 Conventional meters for natural gas	Article 20 Conventional meters for natural gas	Article 20 Conventional meters for natural gas	Article 20 Conventional meters for natural gas Text Origin: Commission Proposal
Article 20(1)				
436	1. Where final natural gas customers do not have smart meters, Member States shall ensure that final customers are provided with individual conventional meters that accurately measure their actual consumption.	1. Where final natural gas customers do not have smart meters, Member States shall ensure that, <i>in so far as technically possible, financially reasonable and proportionate to the potential energy savings</i> , final customers are provided with individual conventional meters that accurately measure their actual consumption.	1. Where final natural gas customers do not have smart meters, Member States shall ensure that final customers are provided with individual conventional meters that accurately measure their actual consumption. Member States may exempt household customers that do not use gas for heating purposes from this requirement. The exemption may also be extended to non-household consumers located in buildings where the majority of consumers are households eligible for exemption, if such deployment is not technically feasible.	1. Where final natural gas customers do not have smart meters, Member States shall ensure that final customers are provided with individual conventional meters that accurately measure their actual consumption. <u>Member States may exempt household customers that do not use gas for heating purposes from this requirement, where the deployment is not technically possible, financially reasonable or proportionate to the potential energy savings. The exemption may also be extended to non-household consumers located in buildings where the majority of consumers are households eligible for exemption, if such deployment is not technically feasible.</u>
Article 20(2)				

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437	2. Member States shall ensure that final natural gas customers are able to easily read their conventional meters, either directly or indirectly through an online interface or through another appropriate interface.	2. Member States shall ensure that final natural gas customers are able to easily read their conventional meters, either directly or indirectly through an online interface or through another appropriate interface.	2. Member States shall ensure that final natural gas customers are able to easily read their conventional meters, either directly or indirectly through an online interface or through another appropriate interface.	2. Member States shall ensure that final natural gas customers are able to easily read their conventional meters, either directly or indirectly through an online interface or through another appropriate interface. Text Origin: Commission Proposal
Article 21				
438	Article 21 Data management	Article 21 Data management	Article 21 Data management	Article 21 Data management Text Origin: Commission Proposal
Article 21(1)				
439	1. When laying down the rules regarding the management and exchange of data, Member States or, where a Member State has so provided, the designated competent authorities shall specify the rules on the access to data of the final customer by eligible parties in accordance with this Article and the applicable Union legal framework. For the purpose of this	1. When laying down the rules regarding the management and exchange of data, Member States or, where a Member State has so provided, the designated competent authorities shall specify the rules on the access to data of the final customer by eligible parties in accordance with this Article and the applicable Union legal framework. For the purpose of this	1. When laying down the rules regarding the management and exchange of data, Member States or, where a Member State has so provided, the designated competent authorities shall specify the rules on the access to data of the final customer by eligible parties in accordance with this Article and the applicable Union legal framework. For the purpose of this	1. When laying down the rules regarding the management and exchange of data, Member States or, where a Member State has so provided, the designated competent authorities shall specify the rules on the access to data of the final customer by eligible parties in accordance with this Article and the applicable Union legal framework. For the purpose of this

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	Directive, data shall be understood to include metering and consumption data as well as data required for customer switching, and other services.	Directive, data shall be understood to include metering and consumption data as well as data required for customer switching, and other services.	Directive, data shall be understood to include metering and consumption data as well as data required for customer switching, and other services.	Directive, data shall be understood to include metering and consumption data as well as data required for customer switching, and other services. Text Origin: Commission Proposal
Article 21(2), first subparagraph				
440	2. Member States shall organise the management of data in order to ensure efficient and secure data access and exchange, as well as data protection and data security.	2. Member States shall organise the management of data in order to ensure efficient and secure data access and exchange, as well as data protection and data security.	2. Member States shall organise the management of data in order to ensure efficient and secure data access and exchange, as well as data protection and data security.	2. Member States shall organise the management of data in order to ensure efficient and secure data access and exchange, as well as data protection and data security. Text Origin: Commission Proposal
Article 21(2), second subparagraph				
441	Independently of the data management model applied in each Member State, the parties responsible for data management shall provide access to the data of the final customer to any eligible party, in accordance with paragraph 1. Eligible parties shall have the requested data at their disposal in a non-discriminatory manner and simultaneously.	Independently of the data management model applied in each Member State, the parties responsible for data management shall provide access to the data of the final customer to any eligible party, in accordance with paragraph 1. Eligible parties shall have the requested data at their disposal in a non-discriminatory manner and simultaneously.	Independently of the data management model applied in each Member State, the parties responsible for data management shall provide access to the data of the final customer to any eligible party, in accordance with paragraph 1. Eligible parties shall have the requested data at their disposal in a non-discriminatory manner and simultaneously.	Independently of the data management model applied in each Member State, the parties responsible for data management shall provide access to the data of the final customer to any eligible party, in accordance with paragraph 1. Eligible parties shall have the requested data at their disposal in a non-discriminatory manner and simultaneously.

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	Access to data shall be easy and the relevant procedures for obtaining access to data shall be made publicly available.	Access to data shall be easy and the relevant procedures for obtaining access to data shall be made publicly available.	Access to data shall be easy and the relevant procedures for obtaining access to data shall be made publicly available.	Access to data shall be easy and the relevant procedures for obtaining access to data shall be made publicly available. Text Origin: Commission Proposal
Article 21(3), first subparagraph				
442	3. The rules on access to data and data storage for the purpose of this Directive shall comply with the relevant Union law.	3. The rules on access to data and data storage for the purpose of this Directive shall comply with the relevant Union law.	3. The rules on access to data and data storage for the purpose of this Directive shall comply with the relevant Union law.	3. The rules on access to data and data storage for the purpose of this Directive shall comply with the relevant Union law. Text Origin: Commission Proposal
Article 21(3), second subparagraph				
443	The processing of personal data within the framework of this Directive shall be carried out in accordance with Regulation (EU) 2016/679.	The processing of personal data within the framework of this Directive shall be carried out in accordance with Regulation (EU) 2016/679.	The processing of personal data within the framework of this Directive shall be carried out in accordance with Regulation (EU) 2016/679.	The processing of personal data within the framework of this Directive shall be carried out in accordance with Regulation (EU) 2016/679. Text Origin: Commission Proposal
Article 21(4), first subparagraph				
444	4. Member States or, where a	4. Member States or, where a	4. Member States or, where a	4. Member States or, where a

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	Member State has so provided, the designated competent authorities, shall authorise and certify or, where applicable, supervise the parties responsible for the data management, in order to ensure that they comply with the requirements of this Directive.	Member State has so provided, the designated competent authorities, shall authorise and certify or, where applicable, supervise the parties responsible for the data management, in order to ensure that they comply with the requirements of this Directive.	Member State has so provided, the designated competent authorities, shall authorise and certify or, where applicable, supervise the parties responsible for the data management, in order to ensure that they comply with the requirements of this Directive.	Member State has so provided, the designated competent authorities, shall authorise and certify or, where applicable, supervise the parties responsible for the data management, in order to ensure that they comply with the requirements of this Directive. Text Origin: Commission Proposal
Article 21(4), second subparagraph				
445	Without prejudice to the tasks of the data protection officers under Regulation (EU) 2016/679, Member States may decide to require that parties responsible for the data management appoint compliance officers who shall be responsible for monitoring the implementation of measures taken by those parties to ensure non-discriminatory access to data and compliance with the requirements of this Directive.	Without prejudice to the tasks of the data protection officers under Regulation (EU) 2016/679, Member States may decide to require that parties responsible for the data management appoint compliance officers who shall be responsible for monitoring the implementation of measures taken by those parties to ensure non-discriminatory access to data and compliance with the requirements of this Directive.	Without prejudice to the tasks of the data protection officers under Regulation (EU) 2016/679, Member States may decide to require that parties responsible for the data management appoint compliance officers who shall be responsible for monitoring the implementation of measures taken by those parties to ensure non-discriminatory access to data and compliance with the requirements of this Directive.	Without prejudice to the tasks of the data protection officers under Regulation (EU) 2016/679, Member States may decide to require that parties responsible for the data management appoint compliance officers who shall be responsible for monitoring the implementation of measures taken by those parties to ensure non-discriminatory access to data and compliance with the requirements of this Directive. Text Origin: Commission Proposal
Article 21(4), third subparagraph				
446				

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	Member States may appoint compliance officers or bodies referred to in point (d) of Article 44(2) of this Directive to fulfil the obligations under this paragraph.	Member States may appoint compliance officers or bodies referred to in point (d) of Article 44(2) of this Directive to fulfil the obligations under this paragraph.	Member States may appoint compliance officers or bodies referred to in point (d) of Article ~~44(2)~~ 42(2) of this Directive to fulfil the obligations under this paragraph.	Member States may appoint compliance officers or bodies referred to in point (d) of Article ~~44(2)~~ 42(2) of this Directive to fulfil the obligations under this paragraph. Text Origin: Council Mandate
Article 21(5), first subparagraph				
447	5. No additional costs shall be charged to final customers for access to their data or for a request to make their data available.	5. No additional costs shall be charged to final customers for access to their data or for a request to make their data available.	5. No additional costs shall be charged to final customers for access to their data or for a request to make their data available.	5. No additional costs shall be charged to final customers for access to their data or for a request to make their data available. Text Origin: Commission Proposal
Article 21(5), second subparagraph				
448	Member States shall be responsible for setting the relevant charges for access to data by eligible parties.	Member States shall be responsible for setting the relevant charges for access to data by eligible parties.	Member States shall be responsible for setting the relevant charges for access to data by eligible parties.	Member States shall be responsible for setting the relevant charges for access to data by eligible parties. Text Origin: Commission Proposal
Article 21(5), third subparagraph				
449	Member States or, where a Member State has so provided, the	Member States or, where a Member State has so provided, the	Member States or, ~~where a Member State has so provided, the~~	Member States ~~or, where a Member State has so provided, the~~

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	designated competent authorities shall ensure that any charges imposed by regulated entities that provide data services are reasonable and duly justified.	designated competent authorities shall ensure that any charges imposed by regulated entities that provide data services are reasonable and duly justified.	~~designated competent authorities~~ shall ensure that any charges imposed by regulated entities that provide data services are reasonable and duly justified.	~~designated competent authorities~~ shall ensure that any charges imposed by regulated entities that provide data services are reasonable and duly justified. Text Origin: Council Mandate
Article 22				
450	Article 22 Interoperability requirements and procedures for access to data	Article 22 Interoperability requirements and procedures for access to data	Article 22 Interoperability requirements and procedures for access to data in the natural gas market	Article 22 Interoperability requirements and procedures for access to data <u>in the natural gas market</u> Text Origin: Council Mandate
Article 22(1)				
451	1. In order to promote competition in the natural gas retail market and to avoid excessive administrative costs for the eligible parties, Member States shall facilitate the full interoperability of energy services within the Union.	1. In order to promote competition in the natural gas retail market and to avoid excessive administrative costs for the eligible parties, Member States shall facilitate the full interoperability of energy services within the Union.	1. In order to promote competition in the natural gas retail market and to avoid excessive administrative costs for the eligible parties, Member States shall facilitate the full interoperability of energy services within the Union.	1. In order to promote competition in the natural gas retail market and to avoid excessive administrative costs for the eligible parties, Member States shall facilitate the full interoperability of energy services within the Union. Text Origin: Commission Proposal
Article 22(2)				
452				

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	2. The Commission shall adopt, by means of implementing acts, interoperability requirements and non-discriminatory and transparent procedures for access to data referred to in Article 21(1). Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 4 of Regulation (EU) No 182/2011.	2. The Commission shall adopt, by means of implementing acts, interoperability requirements and non-discriminatory and transparent procedures for access to data referred to in Article 21(1). Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 4 of Regulation (EU) No 182/2011.	2. The Commission shall adopt, by means of implementing acts, interoperability requirements and non-discriminatory and transparent procedures for access to data referred to in Article 21(1). Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 4 of Regulation (EU) No 182/2011.	2. The Commission shall adopt, by means of implementing acts, interoperability requirements and non-discriminatory and transparent procedures for access to data referred to in Article 21(1). Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 4 of Regulation (EU) No 182/2011. Text Origin: Commission Proposal
Article 22(3)				
453	3. Member States shall ensure that natural gas undertakings apply the interoperability requirements and procedures for access to data referred to in paragraph 2. Those requirements and procedures shall be based on existing national practices.	3. Member States shall ensure that natural gas undertakings apply the interoperability requirements and procedures for access to data referred to in paragraph 2. Those requirements and procedures shall be based on existing national practices.	3. Member States shall ensure that natural gas undertakings apply the interoperability requirements and procedures for access to data referred to in paragraph 2. Those requirements and procedures shall be based on existing national practices.	3. Member States shall ensure that natural gas undertakings apply the interoperability requirements and procedures for access to data referred to in paragraph 2. Those requirements and procedures shall be based on existing national practices. Text Origin: Commission Proposal
Article 23				
454	Article 23 Single points of contact	Article 23 Single points of contact	Article 23 Single points of contact	Article 23 Single points of contact

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 23, first paragraph				
455	Member States shall ensure that single points of contact are established to provide customers with all necessary information concerning their rights, the applicable law and dispute settlement mechanisms available to them in the event of a dispute. Such single points of contact may be part of general consumer information points and may be the same entities as the single contact points for electricity referred to in Article 26 of Directive 2019/944/EU [on common rules for the internal market in electricity.	<i>Each</i> Member <i>State</i> shall ensure that <i>one</i> single <i>point</i> of contact <i>is</i> established to provide customers with all necessary information concerning their rights, the applicable law and dispute settlement mechanisms available to them in the event of a dispute. Such single points of contact may be part of general consumer information points and may be the same entities as the single contact points for electricity referred to in Article 26 of Directive (EU) 2019/944 or single points of contact established under Directive (EU) 2018/2001 [amended RED], Directive (EU) .../...⁺ and Directive (EU) .../...⁺⁺, provided that such entities ensure access to both energy and consumer knowledge and information. ⁺. OJ: Please insert in the text the number of the Directive contained in document PE-CONS .../... (2021/0203(COD)). ⁺⁺. OJ: Please insert in the text the	Member States shall ensure that single points of contact are established to provide customers with all necessary information concerning their rights, the applicable law and dispute settlement mechanisms available to them in the event of a dispute. Such single points of contact may be part of general consumer information points and may be the same entities as the single contact points for electricity referred to in Article 26 of Directive 2019/944/EU [on common rules for the internal market in electricity.	Member States shall ensure that single points of contact are established to provide <i>all</i> customers, <u>including those without access to internet</u>, with all necessary information concerning their rights, <u>certified comparison tools, available support measures, including those targeted at vulnerable customers</u>, the applicable law and dispute settlement mechanisms available to them in the event of a dispute. Such single points of contact may be part of general consumer information points and may be the same entities as the single contact points for electricity referred to in Article 26 of Directive 2019/944/EU [on common rules for the internal market in electricity <u>or contact points established under Article 16 of Directive (EU) 2018/2001 [amended RED] and one-stop-shop established under Article 22 Directive (EU) 2023/...[amended EED]. Member States shall promote</u>

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		<i>number of the Directive contained in document PE-CONS .../... (2021/0426(COD)).</i>		<u>alignment between the single points of contact and bodies under the instruments listed in this paragraph.</u> 17.11.2023 Provisionally agreed
Article 23, first paragraph a				
G 455a		<i>The single point of contact shall also provide clear and complete information about available support measures, including those targeted at vulnerable customers, such as temporary income support mechanism, support for energy efficiency measures, building renovations, alternative renewables-based heating and cooling systems and access to renewable energy production, self-consumption, sale and storage.</i>		<u>Deleted</u> 17.11.2023 Provisionally agreed
Article 23, first paragraph a				
G 455b		<i>Member States shall ensure that final customers are informed about where to find the national single point of contact.</i>		<u>Deleted</u> 17.11.2023 Provisionally agreed
Article 23, fourth paragraph				

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455c		<i>Member States shall ensure that information on certified comparison tools are provided to customers through the national single point of contact. Member States shall also ensure the access to at least one accessible comparison tool to customers that request it, including those with no internet access.</i>		<u>Deleted</u> 17.11.2023 Provisionally agreed
Article 24				
456	Article 24 Right to out-of-court dispute settlement	Article 24 ■ Out-of-court dispute settlement	Article 24 Right to out-of-court dispute settlement	Article 24 ~~Right to~~ Out-of-court dispute settlement 17.11.2023 Provisionally agreed Text Origin: EP Mandate
Article 24(1)				
457	1. Member States shall ensure that final customers have access to simple, fair, transparent, independent, effective and efficient out-of-court mechanisms for the settlement of disputes concerning rights and obligations established under this Directive, through an	1. Member States shall ensure that final customers have access to simple, fair, transparent, independent, effective and efficient out-of-court mechanisms for the settlement of disputes concerning rights and obligations established under this Directive, through an	1. Member States shall ensure that final customers have access to simple, fair, reasonable , transparent, independent, ~~effective~~ cost-effective and efficient out-of-court mechanisms for the settlement of disputes concerning rights and obligations	1. Member States shall ensure that final customers have access to simple, fair, <u>reasonable</u> , transparent, independent, ~~effective~~ <u>cost-effective</u> and efficient out-of-court mechanisms for the settlement of disputes concerning rights and obligations established

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	independent mechanism such as an energy ombudsman or a consumer body, or through a regulatory authority. Where the final customer is a consumer within the meaning of Directive 2013/11/EU of the European Parliament and of the Council ⁽²³⁾ , such out-of-court dispute settlement mechanisms shall comply with the quality requirements of that Directive and shall provide, where warranted, for systems of reimbursement and compensation.	independent mechanism such as an energy ombudsman or a consumer body, or through a regulatory authority. Where the final customer is a consumer within the meaning of Directive 2013/11/EU of the European Parliament and of the Council23 , such out-of-court dispute settlement mechanisms shall comply with the quality requirements of that Directive and shall provide, where warranted, for systems of reimbursement and compensation.	established under this Directive, through an independent mechanism such as an energy ombudsman or a consumer body, or through a regulatory authority. Where the final customer is a consumer within the meaning of Directive 2013/11/EU of the European Parliament and of the Council ⁽²³⁾ , such out-of-court dispute settlement mechanisms shall comply with the quality requirements of that Directive and shall provide, where warranted, for systems of reimbursement and compensation.	under this Directive, through an independent mechanism such as an energy ombudsman or a consumer body, or through a regulatory authority. Where the final customer is a consumer within the meaning of Directive 2013/11/EU of the European Parliament and of the Council ⁽²³⁾ , such out-of-court dispute settlement mechanisms shall comply with the quality requirements of that Directive and shall provide, where warranted, for systems of reimbursement and compensation. 17.11.2023 Provisionally agreed Text Origin: Council Mandate
Article 24(2)				
458	2. Where necessary, Member States shall ensure that alternative dispute resolution entities cooperate to provide simple, fair, transparent, independent, effective and efficient out-of-court dispute settlement mechanisms for any dispute that arises from products or services that are tied to, or bundled with, any product or service falling	2. Where necessary, Member States shall ensure that alternative dispute resolution entities cooperate to provide simple, fair, transparent, independent, effective and efficient out-of-court dispute settlement mechanisms for any dispute that arises from products or services that are tied to, or bundled with, any product or service falling	2. Where necessary, Member States shall ensure that alternative dispute resolution entities cooperate to provide simple, fair, transparent, independent, effective and efficient out-of-court dispute settlement mechanisms for any dispute that arises from products or services that are tied to, or bundled with, any product or service falling	2. Where necessary, Member States shall ensure that alternative dispute resolution entities cooperate to provide simple, fair, transparent, independent, effective and efficient out-of-court dispute settlement mechanisms for any dispute that arises from products or services that are tied to, or bundled with, any product or service falling

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	under the scope of this Directive.	under the scope of this Directive.	under the scope of this Directive.	under the scope of this Directive. 17.11.2023 Provisionally agreed Text Origin: Commission Proposal
Article 24(3)				
459	3. The participation of gas undertakings in out-of-court dispute settlement mechanisms for household customers shall be mandatory unless the Member State concerned demonstrates to the Commission that other mechanisms are equally effective.	3. The participation of gas undertakings in out-of-court dispute settlement mechanisms for household customers shall be mandatory unless the Member State concerned demonstrates to the Commission that other mechanisms are equally effective.	3. The participation of gas undertakings in out-of-court dispute settlement mechanisms for household customers shall be mandatory unless the Member State concerned demonstrates to the Commission that other mechanisms are equally effective.	3. The participation of gas undertakings in out-of-court dispute settlement mechanisms for household customers shall be mandatory unless the Member State concerned demonstrates to the Commission that other mechanisms are equally effective. 17.11.2023 Provisionally agreed Text Origin: Commission Proposal
Article 25				
460	Article 25 Protection of vulnerable customers and suppliers of last resort	Article 25 Protection of vulnerable customers and <i>customers affected by or at risk of energy poverty and</i> suppliers of last resort	Article 25 Protection of vulnerable customers and suppliers of last resort	Article 25 Protection of vulnerable ~~customers and suppliers of last resort~~ <u>energy poor customers</u> 16.11.2023 provisionally agreed - COM to align language regarding 'energy poor customers' and

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				'customers affected by energy poverty'
	Article 25, 1.			
461	Member States shall take appropriate measures to protect final customers, and shall, in particular, ensure that there are adequate safeguards to protect vulnerable customers. In this context, each Member State shall define the concept of vulnerable customers which may refer to energy poverty. Measures to protect vulnerable customers may include, inter alia, to the prohibition of disconnection to such customers in critical times.	Member States shall ■ protect final customers, and shall, in particular, ensure that there are adequate safeguards to protect vulnerable customers <i>and customers affected by or at risk of energy poverty</i>. In this context, <i>the term vulnerable customers is defined pursuant to Article 28 of Directive (EU) 2019/944</i>. Member States shall refer to the definition of energy poverty in Directive (EU) .../...⁺ for the purpose of adopting a comparable definition of customers <i>affected by or at risk of</i> energy poverty. <i>For the purpose of implementing the concept of energy poverty, Member States shall take into account the indicators and guidance set out in the Commission Recommendation on Energy Poverty and at least the following, namely the proportion of people whose:</i> +. OJ: Please insert in the text the number of the Directive contained in	1. Member States shall take appropriate measures to protect final customers, and shall, in particular, ensure that there are adequate safeguards to protect vulnerable customers. In this context, each Member State shall define the concept of vulnerable customers which may refer to energy poverty. Criteria for the definition of the concept of vulnerable customers may include income levels, the share of energy expenditure of disposable income, the energy efficiency of homes, critical dependence on gas equipment for health reasons, age or other criteria. Measures to protect vulnerable customers may include, inter alia, ~~to~~ the prohibition of disconnection ~~to~~ of such customers in critical times.	<u>1.</u> Member States shall take appropriate measures to protect final customers, and shall, in particular, ensure that there are adequate safeguards to protect vulnerable customers <u>and customers affected by energy poverty</u>. In this context, each Member State shall define the concept of vulnerable customers which may refer to energy poverty. ~~Measures to protect~~ <u>The definition of vulnerable customers may include, inter alia, to the prohibition of disconnection to such customers in critical times shall be consistent with the definition of vulnerable customer in electricity adopted by the Member State pursuant to Article 28 of Directive (EU) 2019/944.</u> 16.11.2023 Provisionally agreed

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		document PE-CONS .../... (2021/0203(COD)).		
	Article 25, 1., point (a)			
G	461a	<i>(a) share of energy costs in proportion to their disposable income, after deducting housing costs, is more than double the national median share;</i>		<u>Deleted</u> 16.11.2023 Provisionally agreed
	Article 25, 1., point (b)			
G	461b	<i>(b) share of disposable income spent on energy services is above the national median and the disposable income after energy and housing costs is equal to or below the "risk of poverty" threshold;</i>		<u>Deleted</u> 16.11.2023 Provisionally agreed
	Article 25, 1., point (c)			
G	461c	<i>(c) absolute energy expenditure is lower than half of the national median energy expenditure.</i>		<u>Deleted</u> 16.11.2023 Provisionally agreed
	Article 25, 1., point (d)			
G	461d	<i>Measures to address energy</i>		<u>Deleted</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>poverty and to protect vulnerable customers and customers affected by or at risk of energy poverty may include support to ensure the necessary energy supply, to deploy renewable energy and improve energy efficiency, including building renovations, to sustainably overcome vulnerability and energy poverty. Measures may also include, inter alia, the prohibition of disconnection to such customers in critical times, and in any event during the winter.</i>		16.11.2023 Provisionally agreed
Article 25, second paragraph				
462	In particular, Member States shall take appropriate measures to protect final customers in remote areas who are connected to the natural gas or hydrogen systems. Member States may appoint a supplier of last resort for household customers, and, where Member States deem it to be appropriate, small enterprises connected to the natural gas or hydrogen systems. They shall ensure high levels of consumer protection, particularly with respect to transparency regarding contractual terms and	In particular, Member States shall take appropriate measures to protect final customers in remote areas who are <i>already</i> connected to the natural gas system or hydrogen system. Member States shall appoint a supplier of last resort for household customers, and, where Member States deem it to be appropriate, small enterprises connected to the natural gas or hydrogen systems. Member States shall take appropriate measures where vulnerable customers or customers affected by or at risk of	2. In particular, Member States shall take appropriate measures to protect final customers in remote areas who are connected to the natural gas or hydrogen systems. Member States may appoint a supplier of last resort for household customers, and, where Member States deem it to be appropriate, small enterprises and microenterprises connected to the natural gas or hydrogen systems. ~~They~~ Member States shall ensure high levels of consumer protection, particularly with respect to	2. In particular, Member States shall take appropriate measures to protect final customers in remote areas who are connected to the natural gas or hydrogen systems. Member States ~~may appoint a supplier of last resort for household customers, and, where Member States deem it to be appropriate, small enterprises connected to the natural gas or hydrogen systems.~~ They shall ensure high levels of consumer protection, particularly with respect to transparency regarding

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	conditions, general information and dispute settlement mechanisms.	<i>energy poverty are unable to pay the supplier of last resort. Member States shall ensure</i> consumer protection, <i>in particular</i> with respect to transparency regarding contractual terms and conditions, general information and dispute settlement mechanisms.	transparency regarding contractual terms and conditions, and competitive, transparent and non-discriminatory prices , general information and dispute settlement mechanisms.	contractual terms and conditions, <u>and competitive, transparent and non-discriminatory prices</u> , general information and dispute settlement mechanisms. 16.11.2023 Provisionally agreed
Article 25, second paragraph a				
G 462a		<i>For final customers who are vulnerable or affected by or at risk of energy poverty, including those who are not connected to the natural gas or hydrogen systems, Member States shall, without delay, adopt measures to ensure their energy security, prioritising the most energy efficient and sustainable options.</i>		<u>Deleted</u> 16.11.2023 Provisionally agreed
Article 25, fourth paragraph				
G 462b		<i>The measures laid down in this Article shall not impede the effective opening of the market set out in Article 4 or market functioning. Member States shall notify the measures adopted to implement this Article to the Commission, where relevant, in</i>		<u>Deleted</u> 16.11.2023 Provisionally agreed

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>accordance with Article 5. Such notifications may include measures taken within the general social security system.</i>		
	Article 25a			
G	462c	<i>Article 25a Energy poverty and energy security monitoring</i>		<u>Article 25a</u> <u>Energy poverty and decommissioning of the natural gas network</u> 16.11.2023 Provisionally agreed - please double check the title
	Article 25a(2)			
G	462d	<i>The Commission shall use, inter alia, the criteria set out in Article 25, in addition to the indicators and guidance illustrated in the Commission Recommendation on energy poverty, to identify and report on the number of households that are affected by or at risk of energy poverty.</i>		<u>Deleted</u> 16.11.2023 Provisionally agreed
	Article 25a(1), first subparagraph			
G	462e	<i>Without prejudice to the reporting framework set out in</i>		<u>The Commission shall provide Guidance on the protection of</u>

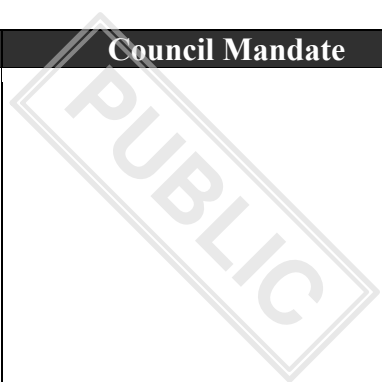
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>Regulation (EU) 2018/1999, the Commission shall, by ... [two years after the date of entry into force of this Directive] and every two years thereafter, adopt and make publicly available a report mapping the level of energy poverty and risk of energy poverty in each Member State and per NUTS3 level.</i>		<u>vulnerable and energy poor customers when planning and carrying out the phase out of natural gas or gas distribution networks are being decommissioned, in particular to ensure that the specific needs of such customers are duly taken into account in accordance with Article 11a(1)(d).</u> 16.11.2023 Provisionally agreed
	Article 25a(1), second subparagraph			
G 462f		<i>The report shall include at least the following elements:</i>		<u>Deleted</u> 16.11.2023 Provisionally agreed
	Article 25a(1), second subparagraph, point (a)			
G 462g		<i>(a) an assessment of the situation and developments of energy prices in the Union and in the Member States and the impact on households affected by or at risk of energy poverty and on how energy prices impact their energy security, including an assessment of whether changes in retail energy prices are due to an ineffective implementation of this</i>		<u>Deleted</u> 16.11.2023 Provisionally agreed

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>Directive and of the lack of adequate market conditions, including insufficient competition between suppliers or anti-competitive conducts;</i>		
	Article 25a(1), second subparagraph, point (b)			
g 462h		<i>(b) an assessment of the underlying conditions for the emergence of energy poverty, including an assessment of whether energy poverty is due to lack of infrastructure capacity, income situations or housing conditions;</i>		<u>Deleted</u> 16.11.2023 Provisionally agreed
	Article 25a(1), second subparagraph, point (c)			
g 462i		<i>(c) a detailed mapping of social instruments and measures implemented in Member States to address energy poverty including measures referred to in Article 25.</i>		<u>Deleted</u> 16.11.2023 Provisionally agreed
	Article 25b			
g 462j				<u>Article 25b</u> <u>Protection from Disconnections</u> 16.11.2023 Provisionally agreed

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 25b, first paragraph			
462k				<u>1. Member State shall take measures in order to prevent disconnection to vulnerable and energy poor customers. In relation to vulnerable customers, this shall be provided as part of the concept of vulnerable customers pursuant to Article 25 of this Directive. When notifying the Commission about the transposition of this Directive into national law, Member State shall demonstrate how the first subparagraph is implemented.</u> Provisionally agreed
	Article 25b, second paragraph			
462l				<u>2. Member States shall ensure that suppliers do not terminate contracts and do not disconnect on grounds on which they are handling a complaint in accordance with Article 10(9) or which are the matter of out of court dispute settlement in accordance with Article 24, and shall not affect the parties</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u>contractual rights and obligations. Member States may take appropriate measures to avoid abuses of processes.</u> 16.11.2023 Provisionally agreed
	Article 25b, third paragraph			
462m				<u>3. Member States shall take appropriate measures to enable customers to avoid disconnection, which may include:</u> 16.11.2023 Provisionally agreed
	Article 25b, third paragraph, point (a)			
462n				<u>(a) Promoting voluntary codes for suppliers and customers on aimed at preventing and managing situations of customers in arrears; these arrangements may concern support to customers to manage their energy use and costs, including flagging unusual high energy spikes or usage, offering appropriate flexible payment plans, debt advice measures, improved communications with customers and support agencies.</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				16.11.2023 Provisionally agreed
Article 25b, third paragraph, point (b)				
G	462o			<u>(b) Promoting consumer education and awareness of customers about their rights and debt management.</u> 16.11.2023 Provisionally agreed
Article 25b, third paragraph, point (c)				
G	462p			<u>(c) Access to finance, vouchers or subsidies to support payment of bills.</u> 16.11.2023 Provisionally agreed
Article 25c				
G	462q			<u>Article 25c</u> <u>Supplier of last resort</u> 16.11.2023 Provisionally agreed
Article 25a, first paragraph				
G	462r			<u>1. Member States shall implement a supplier of last resort regime or</u>



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u>equivalent measures to ensure continuity of supply at least for household customers. Suppliers of last resort shall be appointed in a fair, transparent and non discriminatory procedure.</u> 16.11.2023 Provisionally agreed
	Article 25a, second paragraph			
G 462s				<u>2. Final customers who are transferred to suppliers of last resort shall continue benefit from their rights as customers.</u> 16.11.2023 Provisionally agreed
	Article 25a, third paragraph			
G 462t				<u>3. Member States shall ensure that suppliers of last resort promptly communicate the terms and conditions to transferred customers and ensure seamless continuity of service for those customers for the period needed to find a new supplier.</u> 16.11.2023 Provisionally agreed
	Article 25a, fourth paragraph			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
462u				<u>4. Member States shall ensure that final customers are provided with information and encouragement to switch to a market-based offer.</u> 16.11.2023 Provisionally agreed
Article 25a, fifth paragraph				
462v				<u>5. Member States may require a supplier of last resort to supply gas to household customers and small and medium-sized enterprises who do not receive market based offers, including in the context of Article 25b(3) of this Directive. In such cases, the conditions set out in Article 4 shall apply.</u> 16.11.2023 Provisionally agreed
Chapter IV				
463	Chapter IV Third party access to infrastructure	Chapter IV Third party access to infrastructure	Chapter IV Third party access to infrastructure	
Section I				
464				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Section I Access to natural gas infrastructure	Section I Access to natural gas infrastructure	Section I Access to natural gas infrastructure	Section I Access to natural gas infrastructure Text Origin: Commission Proposal
Article 26				
465	Article 26 Market access for renewable and low carbon gases	Article 26 Market access for renewable <i>gas and low-carbon gas</i>	Article 26 Market access for renewable and low carbon gases	Article 26 Market access for renewable ~~and low-carbon gases~~ <i>gas and low-carbon gas</i>
Article 27				
467	Article 27 Third-party access to natural gas distribution and transmission and LNG terminals	Article 27 Third-party access to natural gas distribution and transmission and LNG terminals	Article 27 Third-party access to natural gas distribution and transmission and LNG terminals	Article 27 Third-party access to natural gas distribution and transmission and LNG terminals Text Origin: Commission Proposal
Article 27(1)				
468	1. Member States shall ensure the implementation of a system of third party access to the transmission and distribution system, and LNG facilities based on published tariffs, applicable to all customers, including supply	1. Member States shall ensure the implementation of a system of third party access to the transmission and distribution system, and LNG facilities based on published tariffs, applicable to all customers, including supply	1. Member States shall ensure the implementation of a system of third party access to the transmission and distribution system, and LNG facilities based on published tariffs, applicable to all customers, including supply	1. Member States shall ensure the implementation of a system of third party access to the transmission and distribution system, and LNG facilities based on published tariffs, applicable to all customers, including supply

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	undertakings, and applied objectively and without discrimination between system users. Member States shall ensure that those tariffs, or the methodologies underlying their calculation, are approved prior to their entry into force in accordance with Article 72 by a regulatory authority referred to in Article 70 and that those tariffs — and the methodologies, where only methodologies are approved — are published prior to their entry into force. Tariff discounts can be granted only if so provided by Union legislation.	undertakings, and applied objectively and without discrimination between system users. Member States shall ensure that those tariffs, or the methodologies underlying their calculation, are approved prior to their entry into force in accordance with Article 72 by a regulatory authority referred to in Article 70 and that those tariffs — and the methodologies, where only methodologies are approved — are published prior to their entry into force. ■	undertakings, and applied objectively and without discrimination between system users. Member States shall ensure that those tariffs, or the methodologies underlying their calculation, are approved prior to their entry into force in accordance with Article 72 by a regulatory authority referred to in Article 70 and that those tariffs — and the methodologies, where only methodologies are approved — are published prior to their entry into force. Tariff discounts can may be granted only if so provided by Union legislation.	undertakings, and applied objectively and without discrimination between system users. Member States shall ensure that those tariffs, or the methodologies underlying their calculation, are approved prior to their entry into force in accordance with Article 72 by a regulatory authority referred to in Article 70 and that those tariffs — and the methodologies, where only methodologies are approved — are published prior to their entry into force. ~~Tariff discounts can be granted only if so provided by Union legislation.~~ 09.11.2023 provisionally agreed
Article 27(1a)				
468a			2. Transmission system operators shall, if necessary for the purpose of carrying out their functions including in relation to cross-border transmission, have access to the network of other transmission system operators.	<u>2. Transmission system operators shall, if necessary for the purpose of carrying out their functions including in relation to cross-border transmission, have access to the network of other transmission system operators.</u> 09.11.2023 provisionally agreed - the provision should be mirrored in H2

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Council Mandate
	Article 27(3)			
470	3. This Article shall also apply to citizen energy communities that manage distribution networks.	3. █	34. This Article shall also apply to citizen energy communities that manage distribution networks.	3. / This Article shall also apply to citizen energy communities that manage distribution networks. / 9.11.2023 - provisionally agreed, but keep in [] until agreement on article 14
	Article 28			
471	Article 28 Access to upstream natural gas pipeline networks	Article 28 Access to upstream natural gas pipeline networks	Article 28 Access to upstream natural gas pipeline networks	
	Article 28(1)			
472	1. Member States shall take the necessary measures to ensure that natural gas undertakings and eligible customers, wherever they are located, are able to obtain access to upstream pipeline networks, including facilities supplying technical services incidental to such access, in accordance with this Article,	1. Member States shall take the necessary measures to ensure that natural gas undertakings and eligible customers, wherever they are located, are able to obtain access to upstream pipeline networks, including facilities supplying technical services incidental to such access, in accordance with this Article,	1. Member States shall take the necessary measures to ensure that natural gas undertakings and eligible customers, wherever they are located, are able to obtain access to upstream pipeline networks, including facilities supplying technical services incidental to such access, in accordance with this Article,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	except for the parts of such networks and facilities which are used for local production operations at the site of a field where the gas is produced. The measures shall be notified to the Commission in accordance with the provisions of Article 88.	except for the parts of such networks and facilities which are used for local production operations at the site of a field where the gas is produced. The measures shall be notified to the Commission in accordance with the provisions of Article 88.	except for the parts of such networks and facilities which are used for local production operations at the site of a field where the gas is produced. The measures shall be notified to the Commission in accordance with the provisions of Article 88.	
Article 28(2)				
473	2. The access referred to in paragraph 1 shall be provided in a manner determined by the Member State in accordance with the relevant legal instruments. Member States shall apply the objectives of fair and open access, achieving a competitive market in natural gas and avoiding any abuse of a dominant position, taking into account security and regularity of supplies, capacity which is or can reasonably be made available, and environmental protection. The following needs may be taken into account:	2. The access referred to in paragraph 1 shall be provided in a manner determined by the Member State in accordance with the relevant legal instruments. Member States shall apply the objectives of fair and open access, achieving a competitive market in natural gas and avoiding any abuse of a dominant position, taking into account security and regularity of supplies, capacity which is or can reasonably be made available, and environmental protection. The following needs may be taken into account:	2. The access referred to in paragraph 1 shall be provided in a manner determined by the Member State in accordance with the relevant legal instruments. Member States shall apply the objectives of fair and open access, achieving a competitive market in natural gas and avoiding any abuse of a dominant position, taking into account security and regularity of supplies, capacity which is or can reasonably be made available, and environmental protection. The following needs may be taken into account:	
Article 28(2), point (a)				
474	(a) the need to refuse access where there is an incompatibility of	(a) the need to refuse access where there is an incompatibility of	(a) the need to refuse access where there is an incompatibility of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	technical specifications which cannot reasonably be overcome;	technical specifications which cannot reasonably be overcome;	technical specifications which cannot reasonably be overcome;	
Article 28(2), point (b)				
475	(b) the need to avoid difficulties which cannot reasonably be overcome and could prejudice the efficient, current and planned future production of hydrocarbons, including that from fields of marginal economic viability;	(b) the need to avoid difficulties which cannot reasonably be overcome and could prejudice the efficient, current and planned future production of hydrocarbons, including that from fields of marginal economic viability;	(b) the need to avoid difficulties which cannot reasonably be overcome and could prejudice the efficient, current and planned future production of hydrocarbons, including that from fields of marginal economic viability;	
Article 28(2), point (c)				
476	(c) the need to respect the duly substantiated reasonable needs of the owner or operator of the upstream pipeline network for the transport and processing of gas and the interests of all other users of the upstream pipeline network or relevant processing or handling facilities who may be affected; and	(c) the need to respect the duly substantiated reasonable needs of the owner or operator of the upstream pipeline network for the transport and processing of gas and the interests of all other users of the upstream pipeline network or relevant processing or handling facilities who may be affected; and	(c) the need to respect the duly substantiated reasonable needs of the owner or operator of the upstream pipeline network for the transport and processing of gas and the interests of all other users of the upstream pipeline network or relevant processing or handling facilities who may be affected; and	
Article 28(2), point (d)				
477	(d) the need to apply their laws and administrative procedures, in conformity with Union law, for the grant of authorisation for	(d) the need to apply their laws and administrative procedures, in conformity with Union law, for the grant of authorisation for	(d) the need to apply their laws and administrative procedures, in conformity with Union law, for the grant of authorisation for	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	production or upstream development.	production or upstream development.	production or upstream development.	
Article 28(3)				
478	3. Member States shall ensure that they have in place dispute-settlement arrangements, including an authority independent of the parties with access to all relevant information, to enable disputes relating to access to upstream pipeline networks to be settled expeditiously, taking into account the criteria in paragraph 2 and the number of parties which may be involved in negotiating access to such networks.	3. Member States shall ensure that they have in place dispute-settlement arrangements, including an authority independent of the parties with access to all relevant information, to enable disputes relating to access to upstream pipeline networks to be settled expeditiously, taking into account the criteria in paragraph 2 and the number of parties which may be involved in negotiating access to such networks.	3. Member States shall ensure that they have in place dispute-settlement arrangements, including an authority independent of the parties with access to all relevant information, to enable disputes relating to access to upstream pipeline networks to be settled expeditiously, taking into account the criteria in paragraph 2 and the number of parties which may be involved in negotiating access to such networks.	
Article 28(4)				
479	4. In the event of cross-border disputes, the dispute-settlement arrangements for the Member State having jurisdiction over the upstream pipeline network which refuses access shall be applied. Where, in cross-border disputes, more than one Member State covers the network concerned, the Member States concerned shall consult each other with a view to	4. In the event of cross-border disputes, the dispute-settlement arrangements for the Member State having jurisdiction over the upstream pipeline network which refuses access shall be applied. Where, in cross-border disputes, more than one Member State covers the network concerned, the Member States concerned shall consult each other with a view to	4. In the event of cross-border disputes, the dispute-settlement arrangements for the Member State having jurisdiction over the upstream pipeline network which refuses access shall be applied. Where, in cross-border disputes, more than one Member State covers the network concerned, the Member States concerned shall consult each other with a view to	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	ensuring that the provisions of this Directive are applied consistently. Where the upstream pipeline network originates from a third country and connects to at least one Member State, the Member States concerned shall consult each other and the Member State where the first entry point to the Member States' network is located shall consult the third country concerned where the upstream pipeline network originates, with a view to ensuring, as regards the network concerned, that this Directive is applied consistently in the territory of the Member States.	ensuring that the provisions of this Directive are applied consistently. Where the upstream pipeline network originates from a third country and connects to at least one Member State, the Member States concerned shall consult each other and the Member State where the first entry point to the Member States' network is located shall consult the third country concerned where the upstream pipeline network originates, with a view to ensuring, as regards the network concerned, that this Directive is applied consistently in the territory of the Member States.	ensuring that the provisions of this Directive are applied consistently. Where the upstream pipeline network originates from a third country and connects to at least one Member State, the Member States concerned shall consult each other and the Member State where the first entry point to the Member States' network is located shall consult the third country concerned where the upstream pipeline network originates, with a view to ensuring, as regards the network concerned, that this Directive is applied consistently in the territory of the Member States.	
Article 29				
480	Article 29 Access to storage of natural gas	Article 29 Access to storage of natural gas	Article 29 Access to storage of natural gas	
Article 29(1), first subparagraph				
481	1. For the organisation of access to storage facilities and linepack when technically or economically necessary for providing efficient access to the system for the supply of customers, as well as for the organisation of access to ancillary	1. For the organisation of access to storage facilities and linepack when technically or economically necessary for providing efficient access to the system for the supply of customers, as well as for the organisation of access to ancillary	1. For the organisation of access to storage facilities and linepack when technically or economically necessary for providing efficient access to the system for the supply of customers, as well as for the organisation of access to ancillary	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	services, Member States may choose either or both of the procedures referred to in paragraphs 3 and 4. Those procedures shall operate in accordance with objective, transparent and non-discriminatory criteria.	services, Member States may choose either or both of the procedures referred to in paragraphs 3 and 4. Those procedures shall operate in accordance with objective, transparent and non-discriminatory criteria.	services, Member States may choose either or both of the procedures referred to in paragraphs 3 and 4. Those procedures shall operate in accordance with objective, transparent and non-discriminatory criteria.	
	Article 29(1), second subparagraph			
482	When choosing the procedure for access to storage under this Article, Member States shall take into account the results of the common and national risk assessments carried out under Article 7 of Regulation (EU) 2017/1938.	When choosing the procedure for access to storage under this Article, Member States shall take into account the results of the common and national risk assessments carried out under Article 7 of Regulation (EU) 2017/1938.	When choosing the procedure for access to storage under this Article, Member States shall take into account the results of the common and national risk assessments carried out under Article 7 of Regulation (EU) 2017/1938.	
	Article 29(1), third subparagraph			
483	The regulatory authorities shall define and publish criteria according to which the access regime applicable to storage facilities and linepack may be determined. They shall make public, or oblige storage and transmission system operators to make public, which storage facilities, or which parts of those storage facilities, and which	The regulatory authorities shall define and publish criteria according to which the access regime applicable to storage facilities and linepack may be determined. They shall make public, or oblige storage and transmission system operators to make public, which storage facilities, or which parts of those storage facilities, and which	The regulatory authorities shall define and publish criteria according to which the access regime applicable to storage facilities and linepack may be determined. They shall make public, or oblige storage and transmission system operators to make public, which storage facilities, or which parts of those storage facilities, and which	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	linepack is offered under the different procedures referred to in paragraphs 3 and 4.	linepack is offered under the different procedures referred to in paragraphs 3 and 4.	linepack is offered under the different procedures referred to in paragraphs 3 and 4.	
Article 29(2)				
484	2. Paragraph 1 shall not apply to ancillary services and temporary storage that are related to LNG facilities and are necessary for the re-gasification process and subsequent delivery to the transmission system.	2. Paragraph 1 shall not apply to ancillary services and temporary storage that are related to LNG facilities and are necessary for the re-gasification process and subsequent delivery to the transmission system.	2. Paragraph 1 shall not apply to ancillary services and temporary storage that are related to LNG facilities and are necessary for the re-gasification process and subsequent delivery to the transmission system.	
Article 29(3), second subparagraph				
486	Contracts for access to storage, linepack and other ancillary services shall be negotiated with the relevant storage system operator. The regulatory authorities shall require storage system operators and natural gas undertakings to publish their main commercial conditions for the use of storage, linepack and other ancillary services on an annual basis.	Contracts for access to storage, linepack and other ancillary services shall be negotiated with the relevant storage system operator. The regulatory authorities shall require storage system operators and natural gas undertakings to publish their main commercial conditions for the use of storage, linepack and other ancillary services on an annual basis.	Contracts for access to storage, linepack and other ancillary services shall be negotiated with the relevant storage system operator. The regulatory authorities shall require storage system operators and natural gas undertakings to publish their main commercial conditions for the use of storage, linepack and other ancillary services on an annual basis.	
Article 29(3), third subparagraph				
487				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	When developing those conditions, storage operators shall consult system users.	When developing those conditions, storage operators shall consult system users.	When developing those conditions, storage operators shall consult system users.	
Article 29(4)				
488	4. In the case of regulated access, the regulatory authorities shall take the necessary measures to give natural gas undertakings and eligible customers either inside or outside the territory covered by the interconnected system a right to access to storage, linepack and other ancillary services, on the basis of published tariffs or other terms and obligations for use of that storage and linepack, when technically or economically necessary for providing efficient access to the system, as well as for the organisation of access to other ancillary services. The regulatory authorities shall consult system users when developing those tariffs or the methodologies for those tariffs. The right of access for eligible customers may be given by enabling them to enter into supply contracts with competing undertakings other than the owner or operator of the system or a related undertaking.	4. In the case of regulated access, the regulatory authorities shall take the necessary measures to give natural gas undertakings and eligible customers either inside or outside the territory covered by the interconnected system a right to access to storage, linepack and other ancillary services, on the basis of published tariffs or other terms and obligations for use of that storage and linepack, when technically or economically necessary for providing efficient access to the system, as well as for the organisation of access to other ancillary services. The regulatory authorities shall consult system users when developing those tariffs or the methodologies for those tariffs. The right of access for eligible customers may be given by enabling them to enter into supply contracts with competing undertakings other than the owner or operator of the system or a related undertaking.	4. In the case of regulated access, the regulatory authorities shall take the necessary measures to give natural gas undertakings and eligible customers either inside or outside the territory covered by the interconnected system a right to access to storage, linepack and other ancillary services, on the basis of published tariffs or other terms and obligations for use of that storage and linepack, when technically or economically necessary for providing efficient access to the system, as well as for the organisation of access to other ancillary services. The regulatory authorities shall consult system users when developing those tariffs or the methodologies for those tariffs. The right of access for eligible customers may be given by enabling them to enter into supply contracts with competing undertakings other than the owner or operator of the system or a related undertaking.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 30			
G 489	Article 30 Direct lines for natural gas	Article 30 Direct lines for natural gas	Article 30 Direct lines for natural gas	G
	Article 30(1)			
G 490	1. Member States shall take the necessary measures to enable:	1. Member States shall take the necessary measures to enable:	1. Member States shall take the necessary measures to enable:	G
	Article 30(1), point (a)			
G 491	(a) undertakings established within their territory to supply the eligible customers through a direct line; and	(a) undertakings established within their territory to supply the eligible customers through a direct line; and	(a) undertakings established within their territory to supply the eligible customers through a direct line; and	G
	Article 30(1), point (b)			
G 492	(b) any such customer within their territory to be supplied through a direct line by natural gas undertakings.	(b) any such customer within their territory to be supplied through a direct line by natural gas undertakings.	(b) any such customer within their territory to be supplied through a direct line by natural gas undertakings.	G
	Article 30(2)			
G 493	2. In circumstances where an authorisation for example, licence,	2. In circumstances where an authorisation for example, licence,	2. In circumstances where an authorisation for example, licence,	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	permission, concession, consent or approval is required for the construction or operation of direct lines, the Member States or any competent authority they designate shall lay down the criteria for the grant of authorisations for the construction or operation of such lines in their territory. Those criteria shall be objective, transparent and non-discriminatory.	permission, concession, consent or approval is required for the construction or operation of direct lines, the Member States or any competent authority they designate shall lay down the criteria for the grant of authorisations for the construction or operation of such lines in their territory. Those criteria shall be objective, transparent and non-discriminatory.	permission, concession, consent or approval is required for the construction or operation of direct lines, the Member States or any competent authority they designate shall lay down the criteria for the grant of authorisations for the construction or operation of such lines in their territory. Those criteria shall be objective, transparent and non-discriminatory.	
Article 30(3)				
494	3. Member States may issue an authorisation to construct a direct line subject either to the refusal of system access on the basis of Article 34 or to the opening of a dispute-settlement procedure under Article 73.	3. Member States may issue an authorisation to construct a direct line subject either to the refusal of system access on the basis of Article 34 or to the opening of a dispute-settlement procedure under Article 73.	3. Member States may issue an authorisation to construct a direct line subject either to the refusal of system access on the basis of Article 34 or to the opening of a dispute-settlement procedure under Article 73.	
Section II				
495	Section II Access to hydrogen infrastructure	Section II Access to hydrogen infrastructure	Section II Access to hydrogen infrastructure	Section II Access to hydrogen infrastructure Text Origin: Commission Proposal
Article 31				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
496	Article 31 Third-party access to hydrogen networks	Article 31 Third-party access to hydrogen networks	Article 31 Third-party access to hydrogen networks	Article 31 Third-party access to hydrogen networks Text Origin: Commission Proposal
Article 31(1)				
497	1. Member States shall ensure the implementation of a system of regulated third party access to hydrogen networks based on published tariffs and applied objectively and without discrimination between any hydrogen network users.	1. Member States shall ensure the implementation of a system of regulated third party access to hydrogen networks based on published tariffs and applied objectively and without discrimination between any hydrogen network users. <i>In the event that there is less capacity than potential users, network operators shall, in cooperation with both relevant regulatory authorities and potential users, give priority access to users who can demonstrate the highest potential of greenhouse gas abatement per tonne of consumed hydrogen and where no other, more energy and cost efficient, options are available. This paragraph shall not apply to cases in which access to the hydrogen network has already been granted.</i>	1. Member States shall ensure the implementation of a system of regulated third party access to hydrogen networks based on published tariffs and applied objectively and without discrimination between any hydrogen network users.	1. Member States shall ensure the implementation of a system of regulated third party access to hydrogen networks based on published tariffs and applied objectively and without discrimination between any hydrogen network users. 9.11.2023 Provisionally agreed. 'greenhouse gas abatement issue' to be covered in other article Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 31(2)				
498	2. Member States shall ensure that those tariffs, or the methodologies underlying their calculation, are approved prior to their entry into force in accordance with Article 72 by a regulatory authority referred to in Article 70 and that those tariffs — and the methodologies, where only methodologies are approved — are published prior to their entry into force.	2. Member States shall ensure that those tariffs, or the methodologies underlying their calculation, are approved prior to their entry into force in accordance with Article 72 by a regulatory authority referred to in Article 70 and that those tariffs — and the methodologies, where only methodologies are approved — are published prior to their entry into force.	2. Member States shall ensure that those tariffs, or the methodologies underlying their calculation, are approved prior to their entry into force in accordance with Article 72 by a regulatory authority referred to in Article 70 and that those tariffs — and the methodologies, where only methodologies are approved — are published prior to their entry into force.	2. Member States shall ensure that those tariffs, or the methodologies underlying their calculation, are approved prior to their entry into force in accordance with Article 72 by a regulatory authority referred to in Article 70 and that those tariffs — and the methodologies, where only methodologies are approved — are published prior to their entry into force. Text Origin: Commission Proposal
Article 31(3)				
499	3. Hydrogen network operators shall, where necessary for the purpose of carrying out their functions, including in relation to cross-border network transport of hydrogen, have access to the network of other hydrogen network operators.	3. Hydrogen network operators shall, where necessary for the purpose of carrying out their functions, including in relation to cross-border network transport of hydrogen, have access to the network of other hydrogen network operators.	3. Hydrogen network operators shall, where necessary for the purpose of carrying out their functions, including in relation to cross-border network transport of hydrogen, have access to the network of other hydrogen network operators.	3. Hydrogen network operators shall, where necessary for the purpose of carrying out their functions, including in relation to cross-border network transport of hydrogen, have access to the network of other hydrogen network operators. Text Origin: Commission Proposal
Article 31(5)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
501	5. Where negotiated access is used, regulatory authorities shall provide guidance to hydrogen network users on how negotiated tariffs will be affected when regulated third party access is introduced.	5. Where negotiated access is used, regulatory authorities shall provide guidance to hydrogen network users on how negotiated tariffs will be affected when regulated third party access is introduced.	5. Where negotiated access as referred to in paragraph 4 is used, regulatory authorities shall provide guidance to hydrogen network users on how negotiated tariffs will be affected when regulated third party access is introduced.	5. Where negotiated access <u>as referred to in paragraph 4</u> is used, regulatory authorities shall provide guidance to hydrogen network users on how negotiated tariffs will be affected when regulated third party access is introduced. 9.11.2023 Provisionally agreed
Article 32				
502	Article 32 Third-party access to hydrogen terminals	Article 32 Third-party access to hydrogen terminals	Article 32 Third-party access to hydrogen terminals	Article 32 Third-party access to hydrogen terminals Text Origin: Commission Proposal
Article 32(1)				
503	1. Member States shall ensure the implementation of a system of third party access to hydrogen terminals based on negotiated access in an objective, transparent and non-discriminatory manner, whereby the regulatory authorities shall take the necessary measures for hydrogen terminal users to be able to negotiate access to such	1. Member States shall ensure the implementation of a system of third party access to hydrogen terminals based on negotiated access in an objective, transparent and non-discriminatory manner, whereby the regulatory authorities shall take the necessary measures for hydrogen terminal users to be able to negotiate access to such	1. Member States shall ensure the implementation of a system of third party access to hydrogen terminals based on negotiated access in an objective, transparent and non-discriminatory manner, whereby the regulatory authorities shall take the necessary measures for hydrogen terminal users to be able to negotiate access to such	1. Member States shall ensure the implementation of a system of third party access to hydrogen terminals based on negotiated access in an objective, transparent and non-discriminatory manner, whereby the regulatory authorities shall take the necessary measures for hydrogen terminal users to be able to negotiate access to such

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	terminals. The parties shall be obliged to negotiate access in good faith.	terminals. The parties shall be obliged to negotiate access in good faith.	terminals. The parties shall be obliged to negotiate access in good faith. Member States may also decide to apply a regulated third party access to hydrogen terminals.	terminals. The parties shall be obliged to negotiate access in good faith. 9.11.2023 provisionally agreed Text Origin: Commission Proposal
Article 32(2)				
504	2. Regulatory authorities shall monitor conditions for third party access to hydrogen terminals and their impact on hydrogen markets and, where necessary in order to safeguard competition, take measures to improve access in line with the criteria set out in paragraph 1.	2. Regulatory authorities shall monitor conditions for third party access to hydrogen terminals and their impact on hydrogen markets and, where necessary in order to safeguard competition, take measures to improve access in line with the criteria set out in paragraph 1.	2. Regulatory authorities shall monitor conditions for third party access to hydrogen terminals and their impact on hydrogen markets and, where necessary in order to safeguard competition, take measures to improve access in line with the criteria set out in paragraph 1.	2. Regulatory authorities shall monitor conditions for third party access to hydrogen terminals and their impact on hydrogen markets and, where necessary in order to safeguard competition, take measures to improve access in line with the criteria set out in paragraph 1. Text Origin: Commission Proposal
Article 33				
505	Article 33 Access to hydrogen storage	Article 33 Access to hydrogen storage	Article 33 Access to hydrogen storage	Article 33 Access to hydrogen storage Text Origin: Commission Proposal
Article 33, first paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
506	Member States shall ensure the implementation of a system of regulated third party access to hydrogen storage, and line pack when technically and/or economically necessary for providing efficient access to the system for the supply of customers, as well as for the organisation of access to ancillary services, based on published tariffs and applied objectively and without discrimination between any hydrogen system users. Member States shall ensure that those tariffs, or the methodologies underlying their calculation, are approved prior to their entry into force in accordance with Article 72 by the regulatory authority.	Member States shall ensure the implementation of a system of regulated third party access to hydrogen storage, and line pack when technically and/or economically necessary for providing efficient access to the system for the supply of customers, as well as for the organisation of access to ancillary services, based on published tariffs and applied objectively and without discrimination between any hydrogen system users. Member States shall ensure that those tariffs, or the methodologies underlying their calculation, are approved prior to their entry into force in accordance with Article 72 by the regulatory authority.	1. Member States shall ensure the implementation of a system of regulated third party access to hydrogen storage, and line pack and, when technically and/or economically necessary for providing efficient access to the system for the supply of customers, access to line pack, as well as for the organisation of access to ancillary services, based on published tariffs and applied objectively and without discrimination between any hydrogen system users. Member States shall ensure that those tariffs, or the methodologies underlying their calculation, are approved prior to their entry into force negotiated access in an objective, transparent and non-discriminatory manner, or a system of regulated third party access in accordance with Article 72 by the regulatory authority paragraph 2.	<u>1. Member States shall ensure the implementation of a system of regulated third party access to hydrogen storage, and line pack and, when technically and/or economically necessary for providing efficient access to the system for the supply of customers, access to line pack, as well as for the organisation of access to ancillary services, based on published tariffs and applied objectively and without discrimination between any hydrogen system users. Member States shall ensure that those tariffs, or the methodologies underlying their calculation, are approved prior to their entry into force in accordance with Article 72 by the regulatory authority.</u> 9.11.2023 Provisionally agreed
Article 33, third paragraph				
506b				<u>3. Member States may provide that capacity rights allocated before [date of entry into force of</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u>this Directive] under a system of negotiated third party access pursuant to paragraph 2 are respected until its expiry date and not affected by the implementation of a regulated third party access pursuant to paragraph 1.</u> 10.11.2023 New proposal from the Presidency - confirmed by the EP
Section III				
507	Section III REFUSAL OF ACCESS AND CONNECTION	Section III REFUSAL OF ACCESS AND CONNECTION	Section III REFUSAL OF ACCESS AND CONNECTION	
Article 34				
508	Article 34 Refusal of access and connection	Article 34 Refusal of access and connection	Article 34 Refusal of access and connection	Article 34 Refusal of access and connection Text Origin: Commission Proposal
Article 34(1)				
509	1. Natural gas and hydrogen undertakings may refuse access or connection to the natural gas or hydrogen system on the basis of lack of capacity. Duly	1. Natural gas and hydrogen undertakings may refuse access or connection to the natural gas or hydrogen system on the basis of lack of capacity <i>or grade of purity</i> .	1. ~~Natural gas~~ Transmission system operators and distribution system operators and hydrogen undertakings may refuse access or connection to the natural	1. ~~Natural gas~~ Transmission system operators and distribution system operators and hydrogen undertakings may refuse access or connection to the natural gas or

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	substantiated reasons shall be given for any such a refusal.	Duly substantiated reasons shall be given for any such a refusal.	gas or hydrogen system on the basis of lack of capacity. ~~Duly substantiated reasons shall be given for any such a refusal.~~	hydrogen system on the basis of lack of capacity. ~~Duly substantiated reasons shall be given for any such a refusal.~~ 13.11.2023 provisionally agreed. EP double checking
Article 34(2)				
510	2. Taking into account national and Union decarbonisation objectives, Member States shall take appropriate measures to ensure that the natural gas or hydrogen undertaking refusing access or connection to the natural gas system or hydrogen system on the basis of lack of capacity or a lack of connection makes the necessary enhancements as far as it is economic to do so or when a potential customer is willing to pay for them.	2. Taking into account national and Union <i>energy and climate objectives and existing requirements to reduce or switch from fossil gas consumption</i> , Member States shall, <i>without delay</i> , take appropriate measures to ensure that the natural gas or hydrogen undertaking refusing access or connection to the natural gas system or hydrogen system on the basis of lack of capacity or a lack of connection makes the necessary enhancements as far as it is economic to do so or when a potential customer is willing to pay for them.	2. ~~Taking into account~~ Without prejudice to national and Union decarbonisation objectives, Member States shall take appropriate measures to ensure that the ~~natural gas~~ transmission system operator, distribution system operator or hydrogen undertaking refusing access or connection to the natural gas system or hydrogen system on the basis of lack of capacity or a lack of connection makes the necessary enhancements as far as it is economic to do so or when a potential customer is willing to pay for them.	2. ~~Taking into account~~ <u>Without prejudice to</u> national and Union decarbonisation objectives <u>and existing requirements to reduce or switch from fossil gas consumption</u> , Member States shall take appropriate measures to ensure that the ~~natural gas~~ <u>transmission system operator, distribution system operator</u> or hydrogen undertaking refusing access or connection to the natural gas system or hydrogen system on the basis of lack of capacity or a lack of connection makes the necessary enhancements as far as it is economic to do so or when a potential customer is willing to pay for them. 13.11.2023 provisionally agreed. EP double checking

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 34(2a)				
510a		2a. Natural gas undertakings shall ensure the disconnection of final customers in accordance with Article 11a, taking into account existing requirements to reduce or switch from fossil gas consumption and the relevant local heating and cooling plans prepared pursuant to Article 52a.		<u>Deleted</u> Integrated in line 511d. 13.11.2023 provisionally agreed. EP double checking
Article 34(3)				
511	3. Access to the system for renewable and low carbon gases may only be refused subject to the provisions of Article 18 and 33 of [recast Gas Regulation as proposed in COM(2021) xxx].	3. Access to the system for renewable gas and low-carbon gas may only be refused subject to the provisions of Article 18 and 33 of [recast Gas Regulation as proposed in COM(2021) xxx].	3. Access to the system for renewable and low carbon gases may only be refused subject to the provisions of Article 18 and 33 of [recast Gas Regulation as proposed in COM(2021)- ~~xxx~~ 804]].	3. Access to the system for renewable and low carbon gases may only be refused subject to the provisions of Article 18 and 33 of [recast Gas Regulation as proposed in COM(2021)-~~xxx~~ <u>804</u>]]. 13.11.2023 provisionally agreed. EP double checking Text Origin: Council Mandate
Article 34(3a), first subparagraph				
511a			4. By way of derogation from paragraphs 1 to 3, a Member State may provide for a system whereby transmission system	<u>3a. By way of derogation from paragraphs 1 to 3, a Member State shall ensure that transmission system operators and distribution</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			operators and distribution system operators are allowed to refuse access or connection, or to disconnect, natural gas network users, notably to ensure compliance with the implementation of the climate-neutrality objective set out in Article 2(1) of Regulation (EU) 2021/1119, where:	<u>system operators refuse access or connection, or to disconnect, natural gas network users, notably to ensure compliance with the implementation of the climate-neutrality objective set out in Article 2(1) of Regulation (EU) 2021/1119, provided that:</u> 13.11.2023 provisionally agreed. EP double checking
	Article 34(4a)			
511b			a. the network development plan pursuant to Article 51 envisages the decommissioning of the transmission system or relevant parts thereof or;	<u>a. the network development plan pursuant to Article 51 envisages the decommissioning of the transmission system or relevant parts thereof or;</u> 13.11.2023 provisionally agreed. EP double checking Text Origin: Council Mandate
	Article 34(3b)			
511c			b. the relevant national authority has approved the decommissioning of the distribution network or relevant parts thereof.	<u>3b. the relevant national authority has approved the network decommissioning plan [pursuant to Article 52b, paragraph 3] or;</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				13.11.2023 provisionally agreed. EP double checking
Article 34(3c)				
511d				<u>3c. the relevant distribution network operator, exempted to submit a network decommissioning plan pursuant to article 52b, paragraph 5, has informed to the relevant national authority of the decommissioning of the distribution network or relevant parts thereof.</u> 13.11.2023 provisionally agreed. EP double checking
Article 34(3d)				
511e			Member States allowing for the refusal of access and connection or for the disconnection of network users pursuant to this paragraph shall ensure that this is done based on objective, transparent and non-discriminatory criteria defined by the national regulatory authority, taking into account the affected interests. Member	<u>3d. Member States allowing for the refusal of access and connection or for the disconnection of network users pursuant to this paragraph shall provide for a regulatory framework for those disconnections that is based on objective, transparent and non-discriminatory criteria defined by the national regulatory authority,</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			States shall take adequate measures to protect network users in accordance with Article 11a when allowing for disconnection.	<u>taking into account the affected interests, the existing requirements to reduce or switch from natural gas consumption and the relevant local heating and cooling plans established pursuant to Art. 25(6) of the Energy Efficiency Directive (EU). Member States shall take adequate measures to protect network users in accordance with Article 11a when allowing for disconnection.</u> 13.11.2023 provisionally agreed. EP double checking
Article 34(3e)				
511f			5. Duly substantiated reasons shall be given for any refusal of access or connection and for any disconnection pursuant to this Article.	<u>5. Duly substantiated reasons shall be given for any refusal of access or connection and for any disconnection pursuant to this Article.</u> 13.11.2023 provisionally agreed. EP double checking Text Origin: Council Mandate
Chapter V				
512				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Chapter V Rules applicable to transmission, storage and LNG system operators of natural gas	Chapter V Rules applicable to transmission, storage and LNG system operators of natural gas	Chapter V Rules applicable to transmission, storage and LNG system operators of natural gas	
Article 35				
513	Article 35 Tasks of transmission, storage or LNG system operators	Article 35 Tasks of transmission, storage or LNG system operators	Article 35 Tasks of transmission, storage or LNG system operators	Article 35 Tasks of transmission, storage or LNG system operators Text Origin: Commission Proposal
Article 35(1)				
514	1. Each transmission, storage or LNG system operator shall:	1. Each transmission, storage or LNG system operator shall:	1. Each transmission, storage or LNG system operator shall:	1. Each transmission, storage or LNG system operator shall: Text Origin: Commission Proposal
Article 35(1), point (a)				
515	(a) operate, maintain and develop under economic conditions secure, reliable and efficient transmission, storage or LNG facilities to secure an open market, with due regard to the environment, the obligations laid down in [Regulation (EU) 2022/ ... (Methane Regulation)]	(a) operate, maintain, <i>develop and decommission</i> under economic conditions secure, reliable and efficient transmission, storage or LNG facilities to secure an open market, with due regard to the environment, <i>Union and national energy and climate objectives</i> , the	(a) operate, maintain and develop under economic conditions secure, reliable and efficient transmission, storage or LNG facilities to secure an open market, with due regard to the environment, the obligations laid down in [Regulation (EU) 2022/ ... (Methane Regulation)],	(a) operate, maintain, <i>develop or decommission</i> ~~and develop~~ under economic conditions secure, reliable and efficient transmission, storage or LNG facilities to secure an open market, with due regard to the environment <i>and the climate</i> , the obligations laid down in

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	ensure adequate means to meet service obligations;	obligations laid down in Regulation (EU) .../ ..., ensure adequate means to meet service obligations;	ensure adequate means to meet service obligations;	~~Regulation (EU) 2022.../-...~~ ~~(Methane Regulation)~~ ; ensure adequate means to meet service obligations; Provisionally agreed - technical meeting 01.09.2023
Article 35(1), point (b)				
516	(b) not discriminate between system users or classes of system users, specifically in favour of its related undertakings;	(b) not discriminate between system users or classes of system users, specifically in favour of its related undertakings;	(b) not discriminate between system users or classes of system users, specifically in favour of its related undertakings;	(b) not discriminate between system users or classes of system users, specifically in favour of its related undertakings; Text Origin: Commission Proposal
Article 35(1), point (c)				
517	(c) provide to any other transmission system operator, any other storage system operator, any other LNG system operator or any distribution system operator, sufficient information to ensure that the transport and storage of natural gas may take place in a manner compatible with the secure and efficient operation of the interconnected system;	(c) provide to any other transmission system operator, any other storage system operator, any other LNG system operator or any distribution system operator, sufficient information to ensure that the transport and storage of natural gas may take place in a manner compatible with the secure and efficient operation of the interconnected system;	(c) provide to any other transmission system operator, any other storage system operator, any other LNG system operator or any distribution system operator, sufficient information to ensure that the transport and storage of natural gas may take place in a manner compatible with the secure and efficient operation of the interconnected system;	(c) provide to any other transmission system operator, any other storage system operator, any other LNG system operator or any distribution system operator, sufficient information to ensure that the transport and storage of natural gas may take place in a manner compatible with the secure and efficient operation of the interconnected system; Text Origin: Commission

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Proposal
Article 35(1), point (d)				
518	(d) provide system users with the information they need for efficient access to the system.	(d) provide system users with the information they need for efficient access to the system.	(d) provide system users with the information they need for efficient access to the system.	(d) provide system users with the information they need for efficient access to the system. Text Origin: Commission Proposal
Article 35(2)				
519	2. Each transmission system operator shall build sufficient cross-border capacity to integrate European transmission infrastructure accommodating all economically reasonable and technically feasible demands for capacity and taking into account security of gas supply.	2. Each transmission system operator shall build sufficient cross-border capacity to integrate European transmission infrastructure accommodating all economically reasonable and technically feasible demands for capacity and taking into account security of gas supply.	2. Each transmission system operator shall build sufficient cross-border capacity to integrate European transmission infrastructure accommodating all economically reasonable and technically feasible demands for capacity and taking into account security of gas supply.	2. Each transmission system operator shall build sufficient cross-border capacity to integrate European transmission infrastructure accommodating all economically reasonable and technically feasible demands for capacity and taking into account security of gas supply. Text Origin: Commission Proposal
Article 35(3)				
520	3. Transmission system operators shall cooperate with distribution system operators to ensure the effective participation of market	3. Transmission system operators shall cooperate with distribution system operators to ensure the effective participation of market	3. Transmission system operators shall cooperate with distribution system operators to ensure the effective participation of market	3. Transmission system operators shall cooperate with distribution system operators to ensure the effective participation of market

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	participants connected to the grid in retail, wholesale and balancing market.	participants connected to the grid in retail, wholesale and balancing market.	participants connected to the grid in retail, wholesale and balancing ~~market~~ markets.	participants connected to the grid in retail, wholesale and balancing ~~market~~ markets. Provisionally agreed - technical meeting 01.09.2023 Text Origin: Council Mandate
Article 35(4)				
521	4. Transmission system operators shall ensure efficient gas quality management in their facilities in line with applicable gas quality standards.	4. Transmission system operators shall ensure efficient gas quality management in their facilities in line with applicable gas quality standards <i>in order to consider the quality requirements of different end-user applications.</i>	4. Transmission system operators shall ensure efficient gas quality management in their facilities in line with applicable gas quality standards.	4. Transmission system operators shall ensure efficient gas quality management in their facilities in line with applicable gas quality standards. Provisionally agreed - technical meeting 01.09.2023 COM to prepare a recital on methane + to be considered for Art 9 as suggested by Council Text Origin: Commission Proposal
Article 35(5)				
522	5. Rules adopted by transmission system operators for balancing the gas transmission system shall be	5. Rules adopted by transmission system operators for balancing the gas transmission system shall be	5. Rules adopted by transmission system operators for balancing the gas transmission system shall be	5. Rules adopted by transmission system operators for balancing the gas transmission system shall be

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	objective, transparent and non-discriminatory, including rules for the charging of system users of their networks for energy imbalance. Terms and conditions, including rules and tariffs, for the provision of such services by transmission system operators shall be established pursuant to a methodology compatible with Article 72 (7) in a non-discriminatory and cost-reflective way and shall be published.	objective, transparent and non-discriminatory, including rules for the charging of system users of their networks for energy imbalance. Terms and conditions, including rules and tariffs, for the provision of such services by transmission system operators shall be established pursuant to a methodology compatible with Article 72 (7) in a non-discriminatory and cost-reflective way and shall be published.	objective, transparent and non-discriminatory, including rules for the charging of system users of their networks for energy imbalance. Terms and conditions, including rules and tariffs, for the provision of such services by transmission system operators shall be established pursuant to a methodology compatible with Article 72 (7) in a non-discriminatory and cost-reflective way and shall be published.	objective, transparent and non-discriminatory, including rules for the charging of system users of their networks for energy imbalance. Terms and conditions, including rules and tariffs, for the provision of such services by transmission system operators shall be established pursuant to a methodology compatible with Article 72 (7) in a non-discriminatory and cost-reflective way and shall be published. Text Origin: Commission Proposal
Article 35(6)				
523	6. The regulatory authorities where Member States have so provided or Member States may require transmission system operators to comply with minimum standards for the maintenance and development of the transmission system, including interconnection capacity.	6. The regulatory authorities where Member States have so provided or Member States may require transmission system operators to comply with minimum standards for the maintenance and development of the transmission system, including interconnection capacity.	6. The regulatory authorities where Member States have so provided or Member States may require transmission system operators to comply with minimum standards for the maintenance and development of the transmission system, including interconnection capacity.	6. The regulatory authorities where Member States have so provided or Member States may require transmission system operators to comply with minimum standards for the maintenance and development of the transmission system, including interconnection capacity. Text Origin: Commission Proposal
Article 35(7)				

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524	7. Member States may provide that one or several responsibilities listed in paragraph 1 are assigned to a transmission system operator other than the one which owns the transmission system to which the responsibilities concerned would otherwise be applicable. The transmission system operator to which the tasks are assigned shall be certified under the ownership unbundling, the independent system operator or the independent transmission system operator model and fulfil the requirements provided for in Article 54, but shall not be required to own the transmission system it is responsible for.	7. Member States may provide that one or several responsibilities listed in paragraph 1 are assigned to a transmission system operator other than the one which owns the transmission system to which the responsibilities concerned would otherwise be applicable. The transmission system operator to which the tasks are assigned shall be certified under the ownership unbundling, the independent system operator or the independent transmission system operator model and fulfil the requirements provided for in Article 54, but shall not be required to own the transmission system it is responsible for.	7. Member States may provide that one or several responsibilities listed in paragraph 1 are assigned to a transmission system operator other than the one which owns the transmission system to which the responsibilities concerned would otherwise be applicable. The transmission system operator to which the tasks are assigned shall be certified under the ownership unbundling, the independent system operator or the independent transmission system operator model and fulfil the requirements provided for in Article 54, but shall not be required to own the transmission system it is responsible for.	7. Member States may provide that one or several responsibilities listed in paragraph 1 are assigned to a transmission system operator other than the one which owns the transmission system to which the responsibilities concerned would otherwise be applicable. The transmission system operator to which the tasks are assigned shall be certified under the ownership unbundling, the independent system operator or the independent transmission system operator model and fulfil the requirements provided for in Article 54, but shall not be required to own the transmission system it is responsible for. Text Origin: Commission Proposal
Article 35(8)				
525	8. The transmission system operator shall fulfil the requirements provided for in Chapter IX and be certified in accordance with Article 57. This shall be without prejudice to the possibility for transmission system	8. The transmission system operator shall fulfil the requirements provided for in Chapter IX and be certified in accordance with Article 57. This shall be without prejudice to the possibility for transmission system	8. ~~The~~ A transmission system operator which owns the transmission system shall fulfil the requirements provided for in Chapter IX and be certified in accordance with Article ~~57~~ 65 . This shall be without prejudice to	8. ~~The~~ A transmission system operator which owns the transmission system shall fulfil the requirements provided for in Chapter IX and be certified in accordance with Article ~~57~~ 65 . This shall be without prejudice to

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	operators which are certified under the ownership unbundling, the independent system operator or the independent transmission system operator model to delegate, on their own initiative and under their supervision, certain tasks to other transmission system operators which are certified under the ownership unbundling, the independent system operator or the independent transmission system operator model, where the delegation of tasks does not endanger the effective and independent decision-making rights of the delegating transmission system operator.	operators which are certified under the ownership unbundling, the independent system operator or the independent transmission system operator model to delegate, on their own initiative and under their supervision, certain tasks to other transmission system operators which are certified under the ownership unbundling, the independent system operator or the independent transmission system operator model, where the delegation of tasks does not endanger the effective and independent decision-making rights of the delegating transmission system operator.	the possibility for transmission system operators which are certified under the ownership unbundling, the independent system operator or the independent transmission system operator model to delegate, on their own initiative and under their supervision, certain tasks to other transmission system operators which are certified under the ownership unbundling, the independent system operator or the independent transmission system operator model, where the delegation of tasks does not endanger the effective and independent decision-making rights of the delegating transmission system operator.	the possibility for transmission system operators which are certified under the ownership unbundling, the independent system operator or the independent transmission system operator model to delegate, on their own initiative and under their supervision, certain tasks to other transmission system operators which are certified under the ownership unbundling, the independent system operator or the independent transmission system operator model, where the delegation of tasks does not endanger the effective and independent decision-making rights of the delegating transmission system operator. Provisionally agreed - technical meeting 01.09.2023 Text Origin: Council Mandate
Article 35(9)				
526	9. LNG and storage system operators shall cooperate, within one Member State and regionally, to ensure the most efficient use of facilities capacities and synergies	9. LNG and storage system operators shall cooperate, within one Member State and regionally, to ensure the most efficient use of facilities capacities and synergies	9. LNG, transmission and storage system operators shall cooperate, within one Member State and regionally, to ensure the most efficient use of facilities' capacities	9. LNG, <u>transmission</u> and storage system operators shall cooperate, within one Member State and regionally, to ensure the most efficient use of facilities' capacities

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	between these facilities, taking into account system integrity and operation.	between these facilities, taking into account system integrity and operation <i>and minimised methane leakage, inter alia, by prioritising co-located uses.</i>	and synergies between these facilities, taking into account system integrity and operation and avoiding creating constraints in operating LNG and storage facilities.	and synergies between these facilities, taking into account system integrity and operation <u>and avoiding creating constraints in operating LNG and storage facilities.</u> Provisionally agreed - technical meeting 01.09.2023 COM to prepare a recital on methane. Text Origin: Council Mandate
Article 35(10)				
527	10. Transmission system operators shall procure the energy they use for the carrying out of their functions according to transparent, non-discriminatory and market based procedures.	10. Transmission system operators shall procure the energy they use for the carrying out of their functions according to transparent, non-discriminatory and market based procedures.	10. Transmission system operators shall procure the energy they use for the carrying out of their functions according to transparent, non-discriminatory and market based procedures.	10. Transmission system operators shall procure the energy they use for the carrying out of their functions according to transparent, non-discriminatory and market based procedures. Text Origin: Commission Proposal
Article 36				
528	Article 36 Confidentiality for transmission system operators and transmission system owners	Article 36 Confidentiality for transmission system operators and transmission system owners	Article 36 Confidentiality for transmission system operators and transmission system owners	Article 36 Confidentiality for transmission system operators and transmission system owners

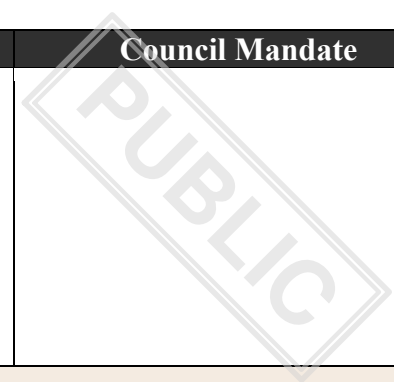
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 36(1)				
529	1. Without prejudice to Article 68 or any other legal duty to disclose information, each transmission, storage or LNG system operator, and each transmission system owner, shall preserve the confidentiality of commercially sensitive information obtained in the course of carrying out its activities, and shall prevent information about its own activities which may be commercially advantageous from being disclosed in a discriminatory manner. In particular, it shall not disclose any commercially sensitive information to the remaining parts of the undertaking, unless this is necessary for carrying out a business transaction. In order to ensure the full respect of the rules on information unbundling, Member States shall ensure that the transmission system owner including, in the case of a combined operator, the distribution system operator, and the remaining part of the undertaking do not use	1. Without prejudice to Article 68 or any other legal duty to disclose information, each transmission, storage or LNG system operator, and each transmission system owner, shall preserve the confidentiality of commercially sensitive information obtained in the course of carrying out its activities, and shall prevent information about its own activities which may be commercially advantageous from being disclosed in a discriminatory manner. <i>If the transmission, storage or LNG system operator, or the transmission system owner is part of a vertically integrated undertaking</i>, it shall not disclose, <i>in particular</i>, any commercially sensitive information to the remaining parts of the <i>vertically integrated</i> undertaking <i>other than transmission system operators, distribution system operators or hydrogen network operators</i>, unless this is necessary for carrying out a business transaction. In order	1. Without prejudice to Article 68 or any other legal duty to disclose information, each transmission, storage or LNG system operator, and each transmission system owner, shall preserve the confidentiality of commercially sensitive information obtained in the course of carrying out its activities, and shall prevent information about its own activities which may be commercially advantageous from being disclosed in a discriminatory manner. In particular, it shall not disclose any commercially sensitive information to the remaining parts of the undertaking which are not transmission or distribution system operators or hydrogen network operators, unless this is necessary for carrying out a business transaction. In order to ensure the full respect of the rules on information unbundling, Member States shall ensure that the transmission system owner including, in the case of a	1. Without prejudice to Article 68 or any other legal duty to disclose information, each transmission, storage or LNG system operator, and each transmission system owner, shall preserve the confidentiality of commercially sensitive information obtained in the course of carrying out its activities, and shall prevent information about its own activities which may be commercially advantageous from being disclosed in a discriminatory manner. ~~If the transmission, storage or LNG system operator, or the transmission system owner is part of a vertically integrated undertaking~~, it shall not disclose, <i>in particular</i>, any commercially sensitive information to the remaining parts of the <i>vertically integrated</i> undertaking <i>other than transmission system operators, distribution system operators or hydrogen network operators</i>, unless this is necessary for carrying out a business transaction. In order

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	joint services, such as joint legal services, apart from purely administrative or IT functions.	to ensure the full respect of the rules on information unbundling, Member States shall ensure that, <i>where the transmission system operator is unbundled in accordance with the rules on the independent system operator for natural gas set out in Section 2 of Chapter IX</i> , the transmission system owner including, in the case of a combined operator, the distribution system operator, and the remaining part of the <i>vertically integrated</i> undertaking <i>other than transmission system operators, distribution system operators or hydrogen network operators</i> do not use joint services, such as joint legal services, apart from purely administrative or IT functions.	combined operator, the distribution system operator, and the remaining part of the undertaking which are not transmission or distribution system operators or hydrogen network operators do not use joint services, such as joint legal services, apart from purely administrative or IT functions.	to ensure the full respect of the rules on information unbundling, Member States shall ensure that the transmission system owner including, in the case of a combined operator, the distribution system operator, and the remaining part of the undertaking <u>which are not transmission or distribution system operators or hydrogen network operators</u> do not use joint services, such as joint legal services, apart from purely administrative or IT functions.
Article 36(2)				
530	2. Transmission, storage or LNG system operators shall not, in the context of sales or purchases of natural gas by related undertakings, misuse commercially sensitive information obtained from third parties in the context of providing or negotiating access to the system.	2. Transmission, storage or LNG system operators shall not, in the context of sales or purchases of natural gas by related undertakings, misuse commercially sensitive information obtained from third parties in the context of providing or negotiating access to the system.	2. Transmission, storage or LNG system operators shall not, in the context of sales or purchases of natural gas by related undertakings, misuse commercially sensitive information obtained from third parties in the context of providing or negotiating access to the system.	2. Transmission, storage or LNG system operators shall not, in the context of sales or purchases of natural gas by related undertakings, misuse commercially sensitive information obtained from third parties in the context of providing or negotiating access to the system. Text Origin: Commission

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Proposal
Article 36(3)				
531	3. Information necessary for effective competition and the efficient functioning of the market shall be made public. That obligation shall be without prejudice to protecting commercially sensitive information.	3. Information necessary for effective competition and the efficient functioning of the market shall be made public. That obligation shall be without prejudice to protecting commercially sensitive information.	3. Information necessary for effective competition and the efficient functioning of the market shall be made public. That obligation shall be without prejudice to protecting commercially sensitive information.	3. Information necessary for effective competition and the efficient functioning of the market shall be made public. That obligation shall be without prejudice to protecting commercially sensitive information. Text Origin: Commission Proposal
Article 37				
532	Article 37 Decision-making powers regarding the connection of new production facilities for renewable and low carbon gases to the transmission system	Article 37 Decision-making powers regarding the connection of new production facilities for renewable gas and low-carbon gas to the transmission system	Article 37 Decision-making powers regarding the connection of ~~new~~ production facilities for renewable and low carbon gases to the transmission system	Article 37 Decision-making powers regarding the connection of ~~new~~ production facilities for renewable and low carbon gases to the transmission system Provisionally agreed - Technical meeting 01.09.2023 facilities / installations - wording to be checked for consistency Text Origin: Council Mandate

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Article 37(1)				
533	1. The transmission system operator shall establish and publish transparent and efficient procedures for non-discriminatory connection of new production installations of renewable and low carbon gases. Those procedures shall be subject to approval by the regulatory authorities.	1. The transmission system operator shall establish and publish transparent and efficient procedures for non-discriminatory connection of new production installations of renewable gas and low- carbon gas in line with the capacities identified in the ten-year network development plan referred to in Article 51 . Those procedures shall be subject to approval by the regulatory authorities.	1. The transmission system operator shall establish and publish transparent and efficient procedures for non-discriminatory connection of ~~new~~ production installations of renewable and low carbon gases. Those procedures shall be subject to approval by the regulatory authorities.	1. <u>1.</u> The transmission system operator shall establish and publish transparent and efficient procedures for non-discriminatory connection of ~~new~~ production installations of renewable and low carbon gases, <u>in line with the capacities with the capacities identified in the ten-year network development plan referred to in Article 51</u> . Those procedures shall be subject to approval by the regulatory authorities. <u>Member States may grant production facilities for biomethane priority to connect.</u> Provisionally agreed - Technical meeting 01.09.2023
Article 37(2)				
534	2. The transmission system operators shall not be entitled to refuse economically reasonable and technically feasible connection requests of a new production facility installation for renewable and low carbon gases.	2. The transmission system operators shall not be entitled to refuse economically reasonable and technically feasible connection requests of a new or of an existing, but not yet connected production facility installation for renewable gas and low- carbon gas in line	2. ~~The transmission system operators shall not be entitled to refuse economically reasonable and technically feasible connection requests of a new production facility installation for renewable and low carbon gases.~~	2. The transmission system operators shall not be entitled to refuse economically reasonable and technically feasible connection requests of a new <u>or of an existing, but not yet connected</u> production facility installation for renewable and low carbon gases, <u>lexcept</u>

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		<i>with the capacities identified in the ten-year network development plan referred to in Article 51. Production facilities installations for renewable gas shall have priority to connect over facilities for low carbon gas.■</i>		<u>under the conditions set out in Article 34[.</u> Provisionally agreed - Technical meeting 01.09.2023
	Article 37(2), point (a)			
534a		<i>2a. For the purpose of the swift implementation of grid connection of renewable gas production, Member States shall ensure that:</i>		<u>(a) For the purpose of the swift implementation of grid connection of biomethane production, Member States shall endeavour to ensure that the transmission system operator complies with reasonable time limits to assess the requests for the injection of biomethane, make an offer and implement the connection, under the monitoring of the regulatory authorities carried out in accordance with Article 72(1), point (t).</u> Provisionally agreed - Technical meeting 01.09.2023
	Article 37(2), point (b)			
534b		<i>(a) the transmission system operator complies with reasonable</i>		Deleted



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>time limits to assess the requests for the injection of renewable gas, make an offer and implement the connection, under the monitoring of the regulatory authorities carried out in accordance with Article 72(1), point (t);</i>		
Article 37(2), point (c)				
534c		<i>(b) permitting procedures for the implementation of the connection are not hampered by a lack of administrative capacity and do not create a hurdle to the achievement of the national renewable energy target.</i>		Deleted here, to be moved to a recital
Article 38				
535	Article 38 Decision-making powers regarding the connection to the transmission system and the hydrogen network	Article 38 Decision-making powers regarding the connection to the transmission system and the hydrogen network	Article 38 Decision-making powers regarding the connection to the transmission system and the hydrogen network	Article 38 Decision-making powers regarding the connection to the transmission system and the hydrogen <u>transmission</u> network 13.11.2023 Provisionally agreed Text Origin: Commission Proposal
Article 38(2)				

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537	2. The transmission system operator and the hydrogen network operator shall not be entitled to refuse the connection of a new natural gas or hydrogen storage facility, LNG regasification facility, hydrogen terminal or industrial customer on the grounds of possible future limitations to available network capacities or additional costs linked with necessary capacity increase. The transmission system operator and hydrogen network operator shall ensure sufficient entry and exit capacity for the new connection.	2. The transmission system operator and the hydrogen network operator shall not be entitled to refuse the connection of a new natural gas or hydrogen storage facility, LNG regasification facility, hydrogen terminal or industrial customer on the grounds of possible future limitations to available network capacities or additional costs linked with necessary capacity increase. The transmission system operator and hydrogen network operator shall ensure sufficient entry and exit capacity for the new connection.	2. The transmission system operator and the hydrogen network operator shall not be entitled to refuse the connection of a new natural gas or hydrogen storage facility, LNG regasification facility, hydrogen terminal or industrial customer on the grounds of possible future limitations to available network capacities or additional costs linked with necessary capacity increase. The transmission system operator and hydrogen network operator shall ensure sufficient entry and exit capacity for the new connection.	2. The transmission system operator and the hydrogen transmission network operator shall not be entitled to refuse the connection of a new natural gas or hydrogen storage facility, LNG regasification facility, hydrogen terminal or industrial customer on the grounds of possible future limitations to available network capacities or additional costs linked with necessary capacity increase. The transmission system operator and hydrogen transmission network operator shall ensure sufficient entry and exit capacity for the new connection. 13.11.2023 Provisionally agreed Text Origin: Commission Proposal
Chapter VI				
538	Chapter VI Distribution system operation of natural gas	Chapter VI Distribution system operation of natural gas	Chapter VI Distribution system operation of natural gas	Chapter VI Distribution system operation of natural gas and hydrogen 6.11.2023 provisionally agreed ("option 2")

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	Article 39, first paragraph			
540	Member States shall designate, or shall require undertakings which own or are responsible for distribution systems to designate, for a period of time to be determined by Member States, having regard to considerations of efficiency and economic balance, one or more distribution system operators and shall ensure that those operators act in accordance with Articles 40, 42 and 43.	<i>Following a transparent procedure</i> , Member States shall designate, or shall require undertakings which own or are responsible for distribution systems <i>or hydrogen distribution networks</i> to designate, for a period of time to be determined by Member States, having regard to considerations of efficiency, <i>the Union's climate and energy targets</i> and economic balance, one or more distribution system operators <i>or hydrogen distribution network operators</i> and shall ensure that those operators act in accordance with Articles 40, 42 and 43.	Member States shall designate, or shall require undertakings which own or are responsible for distribution systems to designate, for a period of time to be determined by Member States, having regard to considerations of efficiency and economic balance, one or more distribution system operators and shall ensure that those operators act in accordance with Articles 40, 42 and 43.	Member States shall designate, or shall require undertakings which own or are responsible for distribution systems <u>or hydrogen distribution networks</u> to designate, <u>following a transparent procedure</u> , for a period of time to be determined by Member States, having regard to considerations of <u>economic and energy</u> efficiency, and economic balance, one or more distribution system operators <u>or hydrogen distribution network operators</u> and shall ensure that those operators act in accordance with Articles 40, 42, <u>43 [and 46]</u> ~~and 43~~ . 6.11.2023 provisionally agreed. Comment: [to verify if tasks for H2 DSOs should be maintained in article 46 or integrated in article 40. The same applies to confidentiality rules in article 43].
	Article 40			
541	Article 40 Tasks of distribution system operators	Article 40 Tasks of distribution system operators	Article 40 Tasks of distribution system operators	Article 40 Tasks of distribution system operators

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				Text Origin: Commission Proposal
Article 40(1)				
542	1. Each distribution system operator shall be responsible for ensuring the long-term ability of the system to meet reasonable demands for the distribution of gas, and for operating, maintaining and developing under economic conditions a secure, reliable and efficient system in its area, with due regard for the environment, the obligations laid down in [Regulation (EU) 2022/ ... (Methane Regulation)] and energy efficiency.	1. Each distribution system operator shall be responsible for ensuring the long-term ability of the system to meet reasonable demands for the distribution of gas <i>in accordance with Articles 51 and 52b, including for biogas and biomethane assets</i> , and for operating, maintaining, <i>developing and decommissioning</i> under economic conditions a secure, reliable and efficient system in its area, with due regard for the environment, the obligations laid down in [Regulation (EU) ...] and energy efficiency.	1. Each distribution system operator shall be responsible for ensuring the long-term ability of the system to meet reasonable demands for the distribution of gas, and for operating, maintaining and developing or decommissioning under economic conditions a secure, reliable and efficient system in its area, with due regard for the environment, the obligations laid down in [Regulation (EU) 2022/ ... (Methane Regulation)] and energy efficiency.	1. Each distribution system operator shall be responsible for ensuring the long-term ability of the system to meet reasonable demands for the distribution of gas <i>in accordance with Articles [51 and 52b] including for biomethane injection</i> , and for operating, maintaining and developing <i>or decommissioning</i> under economic conditions a secure, reliable and efficient system in its area, with due regard for the environment, the obligations laid down in [Regulation (EU) 2022/ ... (Methane Regulation)] and energy efficiency. Provisionally agreed - technical meeting 01.09.2023
Article 40(2)				
543	2. When so decided by regulatory authorities, distribution system operators may be responsible for	2. When so decided by regulatory authorities, distribution system operators may be responsible for	2. When so decided by regulatory authorities, distribution system operators may be responsible for	2. When so decided by regulatory authorities, distribution system operators may be responsible for

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	ensuring efficient gas quality management in their facilities in line with applicable gas quality standards, where necessary for system management due to the injection of renewable and low-carbon gases.	ensuring efficient gas quality management in their facilities in line with applicable gas quality standards, where necessary for system management due to the injection of renewable gas and low-carbon gas .	ensuring efficient gas quality management in their facilities in line with applicable gas quality standards, where necessary for system management due to the injection of renewable and low-carbon gases.	ensuring efficient gas quality management in their facilities in line with applicable gas quality standards, where necessary for system management due to the injection of renewable and low-carbon gases. Provisionally agreed - technical meeting 01.09.2023 Text Origin: Commission Proposal
Article 40(3)				
544	3. In any event, the distribution system operator shall not discriminate between system users or classes of system users, particularly in favour of its related undertakings.	3. In any event, the distribution system operator shall not discriminate between system users or classes of system users, particularly in favour of its related undertakings.	3. In any event, the distribution system operator shall not discriminate between system users or classes of system users, particularly in favour of its related undertakings.	3. In any event, the distribution system operator shall not discriminate between system users or classes of system users, particularly in favour of its related undertakings. Text Origin: Commission Proposal
Article 40(4)				
545	4. Each distribution system operator shall provide any other distribution, transmission, LNG, and/or storage system operator with sufficient information to	4. Each distribution system operator shall provide any other distribution, transmission, LNG, and/or storage system operator with sufficient information to	4. Each distribution system operator shall provide any other distribution, transmission, LNG, and/or storage system operator with sufficient information to	4. Each distribution system operator shall provide any other distribution, transmission, LNG, and/or storage system operator with sufficient information to

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	ensure that the transport and storage of natural gas takes place in a manner compatible with the secure and efficient operation of the interconnected system.	ensure that the transport and storage of natural gas takes place in a manner compatible with the secure and efficient operation of the interconnected system.	ensure that the transport and storage of natural gas takes place in a manner compatible with the secure and efficient operation of the interconnected system.	ensure that the transport and storage of natural gas takes place in a manner compatible with the secure and efficient operation of the interconnected system. Text Origin: Commission Proposal
Article 40(5)				
546	5. Each distribution system operator shall provide system users with the information they need for efficient access to, including use of, the system.	5. Each distribution system operator shall provide system users with the information they need for efficient access to, including use of, the system.	5. Each distribution system operator shall provide system users with the information they need for efficient access to, including use of, the system.	5. Each distribution system operator shall provide system users with the information they need for efficient access to, including use of, the system. Text Origin: Commission Proposal
Article 40(6)				
547	6. Where a distribution system operator is responsible for balancing the distribution system, rules adopted by it for that purpose shall be objective, transparent and non-discriminatory, including rules for the charging of system users for energy imbalance. Terms and conditions, including rules and tariffs, for the provision of such services by distribution system	6. Where a distribution system operator is responsible for balancing the distribution system, rules adopted by it for that purpose shall be objective, transparent and non-discriminatory, including rules for the charging of system users for energy imbalance. Terms and conditions, including rules and tariffs, for the provision of such services by distribution system	6. Where a distribution system operator is responsible for balancing the distribution system, rules adopted by it for that purpose shall be objective, transparent and non-discriminatory, including rules for the charging of system users for energy imbalance. Terms and conditions, including rules and tariffs, for the provision of such services by distribution system	6. Where a distribution system operator is responsible for balancing the distribution system, rules adopted by it for that purpose shall be objective, transparent and non-discriminatory, including rules for the charging of system users for energy imbalance. Terms and conditions, including rules and tariffs, for the provision of such services by distribution system

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	operators shall be established pursuant to a methodology compatible with Article 72(7) in a non-discriminatory and cost-reflective way and shall be published.	operators shall be established pursuant to a methodology compatible with Article 72(7) in a non-discriminatory and cost-reflective way and shall be published.	operators shall be established pursuant to a methodology compatible with Article 72(7) in a non-discriminatory and cost-reflective way and shall be published.	operators shall be established pursuant to a methodology compatible with Article 72(7) in a non-discriminatory and cost-reflective way and shall be published. Text Origin: Commission Proposal
Article 40(7)				
548	7. Distribution system operators shall cooperate with transmission system operators to ensure the effective participation of market participants connected to their grid in retail, wholesale and balancing market in the entry-exit system to which the distribution system belongs to.	7. Distribution system operators shall cooperate with transmission system operators to ensure the effective participation of market participants connected to their grid in retail, wholesale and balancing market in the entry-exit system to which the distribution system belongs to.	7. Distribution system operators shall cooperate with transmission system operators to ensure the effective participation of market participants connected to their ~~grid~~ infrastructure in retail, wholesale and balancing ~~market~~ markets in the entry-exit system to which the distribution system belongs to.	7. Distribution system operators shall cooperate with transmission system operators to ensure the effective participation of market participants connected to their ~~grid~~ infrastructure in retail, wholesale and balancing ~~market~~ markets in the entry-exit system to which the distribution system belongs to. Provisionally agreed - technical meeting 01.09.2023 Text Origin: Council Mandate
Article 40(8)				
549	8. The distribution system operators shall establish and publish transparent and efficient	8. The distribution system operators shall establish and publish transparent and efficient	8. ~~The distribution system operators shall establish and publish transparent and efficient~~	~~keep deleted - duplication with article 41~~

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	procedures for non-discriminatory connection of new production installations of renewable and low carbon gases. Those procedures shall be subject to approval by the regulatory authorities.	procedures for non-discriminatory connection of new production installations of renewable gas and low-carbon gas . Those procedures shall be subject to approval by the regulatory authorities.	~~procedures for non-discriminatory connection of new production installations of renewable and low carbon gases. Those procedures shall be subject to approval by the regulatory authorities.~~	
Article 40(9)				
550	9. The distribution system operators shall not be entitled to refuse economically reasonable and technically feasible connection requests of a new production facility for renewable and low carbon gases.	9. The distribution system operators shall not be entitled to refuse economically reasonable and technically feasible connection requests of a new <i>or existing but not yet connected</i> production facility <i>installation</i> for renewable <i>gas and low-carbon gas in accordance with the Union energy and climate objectives and the capacities identified in the distribution network plans referred to in Article 52b. Production facilities for renewable gas shall have priority to connect over production facilities for low carbon gas.</i>	~~9. The distribution system operators shall not be entitled to refuse economically reasonable and technically feasible connection requests of a new production facility for renewable and low carbon gases.~~	9. The distribution system operators shall not be entitled to refuse economically reasonable and technically feasible connection requests of a new <i>or existing but not yet connected</i> production facility for renewable <i>gas and low-carbon gas [except under the conditions set out in Article 34]</i> ~~and low carbon gases.~~ Provisionally agreed - technical meeting 01.09.2023
Article 41				
551	Article 41 Decision-making powers regarding the connection of new production	Article 41 Decision-making powers regarding the connection of new production	Article 41 Decision-making powers regarding the connection of new production	Article 41 Decision-making powers regarding the connection of ~~new~~ production

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	facilities for renewable and low carbon gases to the distribution system	facilities for renewable and low carbon gases to the distribution system	facilities for renewable and low carbon gases to the distribution system	facilities for renewable and low carbon gases to the distribution system Provisionally agreed - technical meeting 01.09.2023 Text Origin: Council Mandate
Article 41, first paragraph				
552	Regulatory authorities shall oblige the distribution system operator to publish transparent and efficient procedures for non-discriminatory connection of new production installations of renewable and low carbon gases. Those procedures shall be subject to approval by the regulatory authorities.	Regulatory authorities shall oblige the distribution system operator to publish transparent and efficient procedures for non-discriminatory connection of new production installations of renewable gas and low-carbon gas . Those procedures shall be subject to approval by the regulatory authorities.	Regulatory authorities shall ~~oblige~~ require the distribution system operator to publish transparent and efficient procedures for non-discriminatory connection of ~~new~~ production installations of renewable and low carbon gases. Those procedures shall be subject to approval by the regulatory authorities.	Regulatory authorities shall ~~oblige~~ require the distribution system operator to publish transparent and efficient procedures for non-discriminatory connection of ~~new~~ production installations of renewable and low carbon gases. Those procedures shall be subject to approval by the regulatory authorities. <u>Member States may grant production facilities for biomethane priority to connect.</u> Provisionally agreed - technical meeting 01.09.2023
Article 41, first paragraph a				
552a		<i>For the purpose of the swift implementation of network</i>		<u>For the purpose of the swift implementation of grid connection</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>connection of renewable gas production, Member States shall ensure that:</i>		<u>of biomethane production, Member States shall endeavor to ensure that the distribution system operator complies with reasonable time limits to assess the requests for the injection of biomethane, make an offer and implement the connection, under the monitoring of the regulatory authorities carried out in accordance with Article 72(1), point (t).</u> Provisionally agreed - technical meeting 01.09.2023
Article 41, first paragraph a, point (a)				
552b		<i>(a) the distribution system operator complies with reasonable time limits to assess the requests for the injection of renewable gas, make an offer and implement the connection, under the monitoring of the regulatory authorities carried out in accordance with Article 72(1), point (t);</i>		Deleted
Article 41, first paragraph a, point (b)				
552c		<i>(b) permitting procedures for the implementation of the connection are not hampered by a lack of</i>		Deleted here, moved to a recital

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		<i>administrative capacity and that do not create a hurdle to the achievement of the national renewable energy target.</i>		
Article 42				
553	Article 42 Unbundling of distribution system operators	Article 42 Unbundling of distribution system operators and hydrogen distribution network operators	Article 42 Unbundling of distribution system operators	Article 42 Unbundling of distribution system operators <u>and hydrogen distribution network operators</u> Text Origin: EP Mandate
Article 42(1)				
554	1. Where the distribution system operator is part of a vertically integrated undertaking, it shall be independent at least in terms of its legal form, organisation and decision making from other activities not relating to distribution. Those rules shall not create an obligation to separate the ownership of assets of the distribution system from the vertically integrated undertaking.	1. Where the distribution system operator or the hydrogen distribution network operator is part of a vertically integrated undertaking, it shall be independent at least in terms of its legal form, organisation and decision making from other activities not relating to distribution. Those rules shall not create an obligation to separate the ownership of assets of the distribution system or the hydrogen distribution network from the vertically integrated undertaking.	1. Where the distribution system operator is part of a vertically integrated undertaking, it shall be independent at least in terms of its legal form, organisation and decision making from other activities not relating to distribution. Those rules shall not create an obligation to separate the ownership of assets of the distribution system from the vertically integrated undertaking.	1. Where the distribution system operator <u>or the hydrogen distribution network operator</u> is part of a vertically integrated undertaking, it shall be independent at least in terms of its legal form, organisation and decision making from other activities not relating to distribution. Those rules shall not create an obligation to separate the ownership of assets of the distribution system <u>or the hydrogen distribution network</u> from the vertically integrated undertaking.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u>Member States may provide that hydrogen distribution network operators may rent or lease hydrogen network assets from other gas distribution system owners, gas distribution operators or hydrogen distribution network operators within the same undertaking. Such leasing shall not lead to cross-subsidies between different operators.</u>
Article 42(2)				
555	2. In addition to the requirements under paragraph 1, where the distribution system operator is part of a vertically integrated undertaking, it shall be independent in terms of its organisation and decision-making from the other activities not related to distribution. In order to achieve this, the following minimum criteria shall apply:	2. In addition to the requirements under paragraph 1, where the distribution system operator or the hydrogen distribution network operator is part of a vertically integrated undertaking, it shall be independent in terms of its organisation and decision-making from the other activities not related to distribution. In order to achieve this, the following minimum criteria shall apply:	2. In addition to the requirements under paragraph 1, where the distribution system operator is part of a vertically integrated undertaking, it shall be independent in terms of its organisation and decision-making from the other activities not related to distribution. In order to achieve this, the following minimum criteria shall apply:	2. In addition to the requirements under paragraph 1, where the distribution system operator <u>or the hydrogen distribution network operator</u> is part of a vertically integrated undertaking, it shall be independent in terms of its organisation and decision-making from the other activities not related to distribution. In order to achieve this, the following minimum criteria shall apply:
Article 42(2), point (a)				
556	(a) the persons responsible for the management of the distribution system operator shall not	(a) the persons responsible for the management of the distribution system operator or the hydrogen	(a) the persons responsible for the management of the distribution system operator shall not	(a) ~~the persons responsible for the management of the~~ <u>management of the distribution system operator or</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	participate in company structures of the integrated natural gas undertaking responsible, directly or indirectly, for the day-to-day operation of the production, transmission, transportation and supply of gases;	<i>distribution network operator</i> shall not participate in company structures of the integrated natural gas undertaking <i>or the vertically integrated undertaking</i> responsible, directly or indirectly, for the day-to-day operation of the production, transmission, transportation and supply of <i>gas</i> ;	participate in company structures of the integrated natural gas undertaking responsible, directly or indirectly, for the day-to-day operation of the production, transmission, ~~transportation~~ transport and supply of gases;	<i>the hydrogen</i> ~~system~~ <i>network</i> operator shall not participate in company structures of the integrated natural gas undertaking <i>or the vertically integrated undertaking</i> responsible, directly or indirectly, for the day-to-day operation of the production, transmission, ~~transportation~~ <i>transport</i> and supply of gases;
	Article 42(2), point (b)			
557	(b) appropriate measures shall be taken to ensure that the professional interests of persons responsible for the management of the distribution system operator are taken into account in a manner that ensures that they are capable of acting independently;	(b) appropriate measures shall be taken to ensure that the professional interests of persons responsible for the management of the distribution system operator <i>or the hydrogen distribution network operator</i> are taken into account in a manner that ensures that they are capable of acting independently;	(b) appropriate measures shall be taken to ensure that the professional interests of persons responsible for the management of the distribution system operator are taken into account in a manner that ensures that they are capable of acting independently;	(b) appropriate measures shall be taken to ensure that the professional interests of persons responsible for the management of the distribution system operator <i>or the hydrogen distribution network operator</i> are taken into account in a manner that ensures that they are capable of acting independently;
	Article 42(2), point (c)			
558	(c) the distribution system operator shall have effective decision-making rights, independent from the integrated natural gas undertaking, with respect to assets necessary to	(c) the distribution system operator <i>or the hydrogen distribution network operator</i> shall have effective decision-making rights, independent from the integrated natural gas undertaking	(c) the distribution system operator shall have effective decision-making rights, independent from the integrated natural gas undertaking, with respect to assets necessary to	(c) the distribution system operator <i>or the hydrogen distribution network operator</i> shall have effective decision-making rights, independent from the integrated natural gas undertaking

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	operate, maintain or develop the network; in order to fulfil those tasks, the distribution system operator shall have at its disposal the necessary resources including human, technical, financial and physical resources; this shall not prevent the existence of appropriate coordination mechanisms to ensure that the economic and management supervision rights of the parent company in respect of return on assets, regulated indirectly in accordance with Article 72(7) in a subsidiary are protected; in particular, this shall enable the parent company to approve the annual financial plan, or any equivalent instrument, of the distribution system operator and to set global limits on the levels of indebtedness of its subsidiary; it shall not permit the parent company to give instructions regarding day-to-day operations, nor with respect to individual decisions concerning the construction or upgrading of distribution lines, that do not exceed the terms of the approved financial plan, or any equivalent instrument;	<i>or the vertically integrated undertaking</i>, with respect to assets necessary to operate, maintain or develop the network; in order to fulfil those tasks, the distribution system operator <i>or the hydrogen distribution network operator</i> shall have at its disposal the necessary resources including human, technical, financial and physical resources; this shall not prevent the existence of appropriate coordination mechanisms to ensure that the economic and management supervision rights of the parent company in respect of return on assets, regulated indirectly in accordance with Article 72(7) in a subsidiary are protected; in particular, this shall enable the parent company to approve the annual financial plan, or any equivalent instrument, of the distribution system operator <i>or the hydrogen distribution network operator</i> and to set global limits on the levels of indebtedness of its subsidiary; it shall not permit the parent company to give instructions regarding day-to-day operations, nor with respect to individual decisions concerning the construction or upgrading of	operate, maintain or develop the network; in order to fulfil those tasks, the distribution system operator shall have at its disposal the necessary resources including human, technical, financial and physical resources; this shall not prevent the existence of appropriate coordination mechanisms to ensure that the economic and management supervision rights of the parent company in respect of return on assets, regulated indirectly in accordance with Article 72(7) in a subsidiary are protected; in particular, this shall enable the parent company to approve the annual financial plan, or any equivalent instrument, of the distribution system operator and to set global limits on the levels of indebtedness of its subsidiary; it shall not permit the parent company to give instructions regarding day-to-day operations, nor with respect to individual decisions concerning the construction or upgrading of distribution lines, that do not exceed the terms of the approved financial plan, or any equivalent instrument;	<u><i>or the vertically integrated undertaking</i></u>, with respect to assets necessary to operate, maintain or develop the network; in order to fulfil those tasks, the distribution system operator <u><i>or the hydrogen distribution network operator</i></u> shall have at its disposal the necessary resources including human, technical, financial and physical resources; this shall not prevent the existence of appropriate coordination mechanisms to ensure that the economic and management supervision rights of the parent company in respect of return on assets, regulated indirectly in accordance with Article 72(7) in a subsidiary are protected; in particular, this shall enable the parent company to approve the annual financial plan, or any equivalent instrument, of the distribution system <u><i>operator or the hydrogen distribution network operator</i></u> and to set global limits on the levels of indebtedness of its subsidiary; it shall not permit the parent company to give instructions regarding day-to-day operations, nor with respect to individual decisions concerning the construction or upgrading of

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		distribution lines, that do not exceed the terms of the approved financial plan, or any equivalent instrument;		distribution lines, that do not exceed the terms of the approved financial plan, or any equivalent instrument;
Article 42(2), point (d)				
559	(d) the distribution system operator shall establish a compliance programme, which sets out measures taken to ensure that discriminatory conduct is excluded, and ensure that observance of it is adequately monitored; the compliance programme shall set out the specific obligations of employees to meet that objective; an annual report, setting out the measures taken, shall be submitted by the person or body responsible for monitoring the compliance programme, the compliance officer of the distribution system operator, to the regulatory authority referred to in Article 70(1) and shall be published; the compliance officer of the distribution system operator shall be fully independent and shall have access to all the necessary information of the distribution system operator and any affiliated undertaking to fulfil his task.	(d) the distribution system operator or the hydrogen distribution network operator shall establish a compliance programme, which sets out measures taken to ensure that discriminatory conduct is excluded, and ensure that observance of it is adequately monitored; the compliance programme shall set out the specific obligations of employees to meet that objective; an annual report, setting out the measures taken, shall be submitted by the person or body responsible for monitoring the compliance programme, the compliance officer of the distribution system operator or the hydrogen distribution network operator , to the regulatory authority referred to in Article 70(1) and shall be published; the compliance officer of the distribution system operator or the hydrogen distribution network operator shall be fully independent	(d) the distribution system operator shall establish a compliance programme, which sets out measures taken to ensure that discriminatory conduct is excluded, and ensure that observance of it is adequately monitored; the compliance programme shall set out the specific obligations of employees to meet that objective; an annual report, setting out the measures taken, shall be submitted by the person or body responsible for monitoring the compliance programme, the compliance officer of the distribution system operator, to the regulatory authority referred to in Article 70(1) and shall be published; the compliance officer of the distribution system operator shall be fully independent and shall have access to all the necessary information of the distribution system operator and any affiliated undertaking to fulfil his task.	(d) the distribution system operator ~~shall~~ or the hydrogen distribution network operator shall establish a compliance programme, which sets out measures taken to ensure that discriminatory conduct is excluded, and ensure that observance of it is adequately monitored; the compliance programme shall set out the specific obligations of employees to meet that objective; an annual report, setting out the measures taken, shall be submitted by the person or body responsible for monitoring the compliance programme, the compliance officer of the distribution system operator, to the regulatory authority referred to in Article 70(1) and shall be published; the compliance officer of the distribution system operator or the hydrogen distribution network operator , to the regulatory authority referred to in Article 70(1) and shall be published; the compliance officer of the distribution system operator or the hydrogen distribution network operator shall be fully independent

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		and shall have access to all the necessary information of the distribution system operator <i>or hydrogen distribution network operator</i> and any affiliated undertaking to fulfil his task.		and shall have access to all the necessary information of the distribution system <u>operator or hydrogen distribution network operator</u> and any affiliated undertaking to fulfil his task.
Article 42(3)				
560	3. Where the distribution system operator is part of a vertically integrated undertaking, the Member States shall ensure that the activities of the distribution system operator are monitored by regulatory authorities or other competent bodies so that it cannot take advantage of its vertical integration to distort competition. In particular, vertically integrated distribution system operators shall not, in their communication and branding, create confusion in respect of the separate identity of the supply branch of the vertically integrated undertaking.	3. Where the distribution system operator <i>or the hydrogen distribution network operator</i> is part of a vertically integrated undertaking, the Member States shall ensure that the activities of the distribution system operator <i>or the hydrogen distribution network operator</i> are monitored by regulatory authorities or other competent bodies so that it cannot take advantage of its vertical integration to distort competition. In particular, vertically integrated distribution system operators <i>or the hydrogen distribution network operators</i> shall not, in their communication and branding, create confusion in respect of the separate identity of the supply branch of the vertically integrated undertaking.	3. Where the distribution system operator is part of a vertically integrated undertaking, the Member States shall ensure that the activities of the distribution system operator are monitored by regulatory authorities or other competent bodies so that it cannot take advantage of its vertical integration to distort competition. In particular, vertically integrated distribution system operators shall not, in their communication and branding, create confusion in respect of the separate identity of the supply branch of the vertically integrated undertaking.	3. Where the distribution system operator <u>or the hydrogen distribution network operator</u> is part of a vertically integrated undertaking, the Member States shall ensure that the activities of the distribution system operator <u>or the hydrogen distribution network operator</u> are monitored by regulatory authorities or other competent bodies so that it cannot take advantage of its vertical integration to distort competition. In particular, vertically integrated distribution system <u>operators or the hydrogen distribution network operators</u> shall not, in their communication and branding, create confusion in respect of the separate identity of the supply branch of the vertically integrated undertaking.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 42(3a)				
560a		3a. The distribution system operator and the hydrogen distribution network operator shall comply with Articles 64 and 69.		<u>Deleted</u>
Article 42(4)				
561	4. Member States may decide not to apply paragraphs 1, 2 and 3 to integrated natural gas undertakings serving less than 100 000 connected customers.	4. Member States may decide not to apply paragraphs 1, 2 and 3 to integrated natural gas undertakings serving less than 100 000 connected customers.	4. Member States may decide not to apply paragraphs 1, 2 and 3 to integrated natural gas undertakings serving less than 100 000 connected customers.	4. Member States may decide not to apply paragraphs 1, 2 and 3 <u>of this article and Article 63] to distribution system operators which are part of an ~~to~~-integrated</u> natural gas undertakings serving less than 100 000 connected customers. <u>Where a distribution system operator benefits from a derogation in accordance with this paragraph on [date of entry into force of this Directive] Member States may decide not to apply paragraphs 1, 2 and 3 [and Article 63] to a hydrogen distribution network operator within the same undertaking as long as the combined number of connected customers of the distribution system operator and the hydrogen distribution network operator remains less than 100 000;</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 43				
562	Article 43 Confidentiality obligations of distribution system operators	Article 43 Confidentiality obligations of distribution system operators	Article 43 Confidentiality obligations of distribution system operators	Article 43 Confidentiality obligations of distribution system operators Text Origin: Commission Proposal
Article 43(1)				
563	1. Without prejudice to Article 68 or any other legal duty to disclose information, each distribution system operator shall preserve the confidentiality of commercially sensitive information obtained in the course of carrying out its business, and shall prevent information about its own activities which may be commercially advantageous from being disclosed in a discriminatory manner.	1. Without prejudice to Article 68 or any other legal duty to disclose information, each distribution system operator shall preserve the confidentiality of commercially sensitive information obtained in the course of carrying out its business, and shall prevent information about its own activities which may be commercially advantageous from being disclosed in a discriminatory manner.	1. Without prejudice to Article 68 or any other legal duty to disclose information, each distribution system operator shall preserve the confidentiality of commercially sensitive information obtained in the course of carrying out its business, and shall prevent information about its own activities which may be commercially advantageous from being disclosed in a discriminatory manner.	1. Without prejudice to Article 68 or any other legal duty to disclose information, each distribution system operator shall preserve the confidentiality of commercially sensitive information obtained in the course of carrying out its business, and shall prevent information about its own activities which may be commercially advantageous from being disclosed in a discriminatory manner. Text Origin: Commission Proposal
Article 43(2)				
564	2. Distribution system operators shall not, in the context of sales or	2. Distribution system operators shall not, in the context of sales or	2. Distribution system operators shall not, in the context of sales or	2. Distribution system operators shall not, in the context of sales or

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	purchases of natural gas by related undertakings, abuse commercially sensitive information obtained from third parties in the context of providing or negotiating access to the system.	purchases of natural gas by related undertakings, abuse commercially sensitive information obtained from third parties in the context of providing or negotiating access to the system.	purchases of natural gas by related undertakings, abuse commercially sensitive information obtained from third parties in the context of providing or negotiating access to the system.	purchases of natural gas by related undertakings, abuse commercially sensitive information obtained from third parties in the context of providing or negotiating access to the system. Text Origin: Commission Proposal
Article 44				
565	Article 44 Closed distribution systems of natural gas	Article 44 Closed distribution systems of natural gas	Article 44 Closed distribution systems of natural gas	Article 44 Closed distribution systems of natural gas Text Origin: Commission Proposal
Article 44(1)				
566	1. Member States may provide for regulatory authorities or other competent authorities to classify a system which distributes natural gas within a geographically confined industrial, commercial or shared services site and does not, without prejudice to paragraph 4, supply household customers, as a closed distribution system if:	1. Member States may provide for regulatory authorities or other competent authorities to classify a system which distributes natural gas within a geographically confined industrial, commercial or shared services site and does not, without prejudice to paragraph 4, supply household customers, as a closed distribution system if:	1. Member States may provide for regulatory authorities or other competent authorities to classify a system which distributes natural gas within a geographically confined industrial, commercial or shared services site and does not, without prejudice to paragraph 4, supply household customers, as a closed distribution system if:	1. Member States may provide for regulatory authorities or other competent authorities to classify a system which distributes natural gas within a geographically confined industrial, commercial or shared services site and does not, without prejudice to paragraph 4, supply household customers, as a closed distribution system if: Text Origin: Commission

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Proposal
Article 44(1), point (a)				
567	(a) for specific technical or safety reasons, the operations or the production process of the users of that system are integrated; or	(a) for specific technical or safety reasons, the operations or the production process of the users of that system are integrated; or	(a) for specific technical or safety reasons, the operations or the production process of the users of that system are integrated; or	(a) for specific technical or safety reasons, the operations or the production process of the users of that system are integrated; or Text Origin: Commission Proposal
Article 44(1), point (b)				
568	(b) that system distributes natural gas primarily to the owner or operator of the system or to their related undertakings.	(b) that system distributes natural gas primarily to the owner or operator of the system or to their related undertakings.	(b) that system distributes natural gas primarily to the owner or operator of the system or to their related undertakings.	(b) that system distributes natural gas primarily to the owner or operator of the system or to their related undertakings. Text Origin: Commission Proposal
Article 44(2)				
569	2. Member States may provide for regulatory authorities to exempt the operator of a closed natural gas distribution system from the requirement under Article 27(1) that tariffs, or the methodologies underlying their calculation, are approved prior to their entry into	2. Member States may provide for regulatory authorities to exempt the operator of a closed natural gas distribution system from the requirement under Article 27(1) that tariffs, or the methodologies underlying their calculation, are approved prior to their entry into	2. Member States may provide for regulatory authorities to exempt the operator of a closed natural gas distribution system from the requirement under Article 27(1) that tariffs, or the methodologies underlying their calculation, are approved prior to their entry into	2. Member States may provide for regulatory authorities to exempt the operator of a closed natural gas distribution system from the requirement under Article 27(1) that tariffs, or the methodologies underlying their calculation, are approved prior to their entry into

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	force in accordance with Article 72.	force in accordance with Article 72.	force in accordance with Article 72.	force in accordance with Article 72. Text Origin: Commission Proposal
Article 44(3)				
570	3. Where an exemption is granted under paragraph 2, the applicable tariffs, or the methodologies underlying their calculation, shall be reviewed and approved in accordance with Article 72 upon request by a user of the closed natural gas distribution system.	3. Where an exemption is granted under paragraph 2, the applicable tariffs, or the methodologies underlying their calculation, shall be reviewed and approved in accordance with Article 72 upon request by a user of the closed natural gas distribution system.	3. Where an exemption is granted under paragraph 2, the applicable tariffs, or the methodologies underlying their calculation, shall be reviewed and approved in accordance with Article 72 upon request by a user of the closed natural gas distribution system.	3. Where an exemption is granted under paragraph 2, the applicable tariffs, or the methodologies underlying their calculation, shall be reviewed and approved in accordance with Article 72 upon request by a user of the closed natural gas distribution system. Text Origin: Commission Proposal
Article 44(4)				
571	4. Incidental use by a small number of households with employment or similar associations with the owner of the distribution system and located within the area served by a closed distribution system shall not preclude an exemption under paragraph 2 being granted.	4. Incidental use by a small number of households with employment or similar associations with the owner of the distribution system and located within the area served by a closed distribution system shall not preclude an exemption under paragraph 2 being granted.	4. Incidental use by a small number of households with employment or similar associations with the owner of the distribution system and located within the area served by a closed distribution system shall not preclude an exemption under paragraph 2 being granted.	4. Incidental use by a small number of households with employment or similar associations with the owner of the distribution system and located within the area served by a closed distribution system shall not preclude an exemption under paragraph 2 being granted. Text Origin: Commission

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Proposal
Article 44(5)				
572	5. Closed distribution systems shall be considered as distribution systems for the purposes of this Directive.	5. Closed distribution systems shall be considered as distribution systems for the purposes of this Directive.	5. Closed distribution systems shall be considered as distribution systems for the purposes of this Directive.	5. Closed distribution systems shall be considered as distribution systems for the purposes of this Directive. Text Origin: Commission Proposal
Article 45				
573	Article 45 Combined operator	Article 45 Combined operator	Article 45 Combined operator	Article 45 Combined operator Text Origin: Commission Proposal
Chapter VII				
575	Chapter VII Rules applicable to the dedicated hydrogen networks	Chapter VII Rules applicable to the dedicated hydrogen networks	Chapter VII Rules applicable to the dedicated hydrogen networks	
Article 46				
576	Article 46 Tasks of hydrogen network, storage and terminal operators	Article 46 Tasks of hydrogen network, storage and terminal operators	Article 46 Tasks of hydrogen network, storage and terminal operators	Article 46 Tasks of hydrogen network, storage and terminal operators

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 46(1)				
577	1. Each operator of hydrogen networks, storage or terminal shall be responsible for:	1. Each operator of hydrogen networks, storage or terminal shall be responsible for:	1. Each operator of hydrogen networks, storage or terminal shall be responsible for:	1. Each operator of hydrogen networks, storage or terminal shall be responsible for: Text Origin: Commission Proposal
Article 46(1), point (a)				
578	(a) operating, maintaining and developing under economic conditions a secure and reliable infrastructure for hydrogen transport or storage with due regard to the environment, in close cooperation with connected and neighbouring hydrogen network operators;	(a) operating, maintaining, developing, <i>including repurposing</i> , under economic conditions a secure and reliable infrastructure for hydrogen transport or storage with due regard to the environment, in close cooperation with connected and neighbouring hydrogen network operators <i>and on the basis of the ten-year network development plan referred to in Article 51</i> ;	(a) operating, maintaining and developing under economic conditions a secure and reliable infrastructure for hydrogen transport or storage with due regard to the environment, in close cooperation with connected and neighbouring hydrogen network operators;	(a) operating, maintaining ~~and~~ , developing, <i>including repurposing</i> , under economic conditions a secure and reliable infrastructure for hydrogen transport or storage with due regard to the environment, in close cooperation with connected and neighbouring hydrogen network operators <i>in order to optimise co-location of production and use of hydrogen [and on the basis of the ten-year network development plan referred to in Article 51]</i> ; Provisionally agreed
Article 46(1), point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
579	(b) ensuring the long-term ability of the hydrogen system to meet reasonable demands for the transport and storage of hydrogen;	(b) ensuring the long-term ability of the hydrogen system to meet identified reasonable demands for the transport and storage of hydrogen in accordance with the ten-year network development plan referred to in Article 51 ;	(b) ensuring the long-term ability of the hydrogen system to meet reasonable demands for the transport and storage of hydrogen;	(b) ensuring the long-term ability of the hydrogen system to meet reasonable demands identified for the transport and storage of hydrogen in accordance with the ten-year network development plan referred to in Article 51 ; Provisionally agreed
Article 46(1), point (c)				
580	(c) ensuring adequate means to meets its obligations;	(c) ensuring adequate means to meets its obligations;	(c) ensuring adequate means to ~~meets~~ meet its obligations;	(c) ensuring adequate means to ~~meets~~ meet its obligations; Provisionally agreed - technical meeting 01.09.2023 Text Origin: Council Mandate
Article 46(1), point (d)				
581	(d) providing to the operator of other networks or systems with which its system is interconnected sufficient information to ensure the secure and efficient operation, coordinated development and interoperability of the interconnected system;	(d) providing to the operator of other networks or systems with which its system is interconnected sufficient information, including on hydrogen quality , to ensure the secure and efficient operation, coordinated development and interoperability of the interconnected system;	(d) providing to the operator of other networks or systems with which its system is interconnected sufficient information to ensure the secure and efficient operation, coordinated development and interoperability of the interconnected system;	(d) providing to the operator of other networks or systems with which its system is interconnected sufficient information, including on hydrogen quality , to ensure the secure and efficient operation, coordinated development and interoperability of the interconnected system;

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Provisionally agreed - technical meeting 01.09.2023 Text Origin: EP Mandate
Article 46(1), point (e)				
582	(e) not discriminating between system users or classes of infrastructure users, specifically in favour of its related undertakings; and	(e) not discriminating between system users or classes of infrastructure users, specifically in favour of its related undertakings; and	(e) not discriminating between hydrogen system users or classes of infrastructure users, specifically in favour of its related undertakings; and	(e) not discriminating between hydrogen system users or classes of infrastructure users, specifically in favour of its related undertakings; and Provisionally agreed - technical meeting 01.09.2023 Text Origin: Council Mandate
Article 46(1), point (f)				
583	(f) providing system users with the information they need for efficient access to the infrastructure;	(f) providing system users with the information they need for efficient access to the infrastructure;	(f) providing hydrogen system users with the information they need for efficient access to the infrastructure;	(f) providing hydrogen system users with the information they need for efficient access to the infrastructure; Provisionally agreed - technical meeting 01.09.2023 Text Origin: Council Mandate
Article 46(1), point (g)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
584	(g) taking all reasonable measures available to prevent and minimise hydrogen emissions in their operations and carrying out, at regular intervals, a hydrogen leak detection and repair survey of all relevant components under the operator responsibility;	(g) taking all necessary measures available to prevent and minimise hydrogen emissions in their operations and carrying out, at regular intervals, a hydrogen leak detection and repair survey of all relevant components under the operator responsibility;	(g) taking all reasonable measures available to prevent and minimise hydrogen emissions in their operations and carrying out, at regular intervals, a hydrogen leak detection and repair survey of all relevant components under the operator responsibility;	(g) taking all reasonable measures available to prevent and minimise hydrogen emissions in their operations and carrying out, at regular intervals, a hydrogen leak detection and repair survey of all relevant components under the operator responsibility; Provisionally agreed - technical meeting 01.09.2023 Text Origin: Commission Proposal
Article 46(1), point (h)				
585	(h) submitting a hydrogen leak detection report and, where necessary, a repair or replacement programme to the competent authorities;	(h) submitting a hydrogen leak detection report and, where necessary, a repair or replacement programme to the competent authorities; <i>data on hydrogen leaks and repairs shall be made publicly available;</i>	(h) submitting a hydrogen leak detection report and, where necessary, a repair or replacement programme to the competent authorities;	(h) submitting a hydrogen leak detection report and, where necessary, a repair or replacement programme to the competent authorities, <u><i>making public statistical information on hydrogen leak detection and repair on an annual basis;</i></u> Provisionally agreed
Article 46(1), point (ha)				
585a		<i>(ha) coordinating the activities</i>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>with other hydrogen network operators in order to optimise co-location of production and use of hydrogen.</i>		Deleted
Article 46(2)				
586	2. Each hydrogen network operator shall build sufficient cross-border capacity to integrate European hydrogen infrastructure accommodating all economically reasonable and technically feasible demands for capacity and taking into account security of hydrogen supply.	2. Each hydrogen network operator shall build sufficient cross-border capacity to integrate European hydrogen infrastructure accommodating, <i>where it is</i> economically reasonable and technically feasible, <i>all</i> demands <i>along the capacity identified in the ten-year network development plan referred to in Article 51 and the Union-wide network development plan referred to in Article 23 of [recast Gas Regulation as proposed in COM(2021) xxx]</i> and taking into account security of hydrogen supply. <i>This paragraph shall not apply to hydrogen distribution network operators unless they operate cross-border infrastructure.</i>	2. ~~Each~~ Hydrogen network ~~operator~~ operators shall build sufficient ~~aim to ensure~~ cross-border capacity to integrate European hydrogen infrastructure accommodating all economically reasonable and technically feasible demands for capacity and taking into account security of hydrogen supply. Upon their certification pursuant to Article 65 of this Directive and Article 13 of [the recast Gas Regulation as proposed in COM (2021) 804] competent authorities of Member States may decide to task one or a limited number of hydrogen network operators with the responsibility for ensuring cross-border capacity.	2. ~~Each~~ Hydrogen network ~~operator~~ operators shall ~~build sufficient~~ <u>aim to ensure</u> cross-border capacity to integrate European hydrogen infrastructure accommodating all economically reasonable and technically feasible demands for capacity <u>identified in the [ten-year network development plan referred to in Article 51 and the Union-wide network development plan referred to in Article 43 of] [recast Gas Regulation as proposed in COM(2021) xxx]</u> and taking into account security of hydrogen supply. <u>Upon their certification pursuant to Article 65 of this Directive and Article 13 of [the recast Gas Regulation as proposed in COM (2021) 804] competent authorities of Member States may decide to task one or a limited number of hydrogen network operators with the responsibility for ensuring cross-border</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u>capacity. [This paragraph shall not apply to hydrogen distribution network operators.]</u> Provisionally agreed - technical meeting 01.09.2023
Article 46(3)				
587	3. Hydrogen network operators may be responsible for ensuring efficient hydrogen quality management in their networks in line with applicable hydrogen quality standards, where necessary for system management and subject to the approval of the regulatory authority.	3. Hydrogen network operators <i>shall</i> be responsible for ensuring efficient hydrogen quality management in their networks in line with applicable hydrogen quality standards, <i>to meet the quality requirements of different end-use applications</i> and subject to the approval of the regulatory authority.	3. The regulatory authority may decide to entrust hydrogen network operators ~~may be responsible~~ with the responsibility for ensuring efficient hydrogen quality management in their networks in line with applicable hydrogen quality standards, where necessary for system management and subject to the approval of the regulatory authority.	3. <u>Where appropriate for system management and end-users, the regulatory authority shall entrust</u> hydrogen network operators ~~may be responsible~~ <u>with the responsibility</u> for ensuring efficient hydrogen quality management <u>and stable hydrogen quality</u> in their networks in line with applicable hydrogen quality standards, ~~where necessary for system management and subject to the approval of the regulatory authority.~~ Provisionally agreed
Article 46(3a)				
587a			4. Hydrogen network operators shall be responsible for balancing in their networks as from 1 January 2036, or as from an earlier date where so provided	<u>3a. Hydrogen network operators shall be responsible for balancing in their networks as from [1 January 2036], or as from an earlier date where so provided by</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			by the regulatory authority. Rules adopted by hydrogen network operators for balancing the hydrogen network shall be objective, transparent and non-discriminatory, including rules for the charging of users of their networks for energy imbalance.	<u>the regulatory authority. Rules adopted by hydrogen network operators for balancing the hydrogen network shall be objective, transparent and non-discriminatory, including rules for the charging of users of their networks for energy imbalance.</u> Provisionally agreed - technical meeting 01.09.2023 (with deadline in [])
Article 46(3b)				
587b		<i>3a. Hydrogen network operators shall be required to ensure stable hydrogen quality for end-users, in particular in hard-to-decarbonise sectors, by applying applicable hydrogen quality standards.</i>		Deleted. Inclusion of the concept in line 587.
Article 47				
588	Article 47 Existing hydrogen networks	Article 47 Existing hydrogen networks	Article 47 Existing hydrogen networks	Article 47 Existing hydrogen networks Text Origin: Commission Proposal
Article 47(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
589	1. Member States may decide to grant a derogation from the requirements of Articles 31, 62, 63 and 64 of this Directive, and Articles 6 and 47 of [recast Gas Regulation as proposed in COM(2021) xxx] to hydrogen networks that belonged to a vertically integrated undertaking on [date of entry into force]. The derogation shall be limited in scope to the network capacity in operation on [date of entry into force].	1. Member States may decide to grant a derogation from the requirements of Articles 31, 42, 62 and 64 of this Directive, and Articles 6 and 47 of [recast Gas Regulation as proposed in COM(2021) xxx] to hydrogen networks that belonged to a vertically integrated undertaking on [date of entry into force]. The derogation shall be limited in scope to the network capacity in operation on [date of entry into force].	1. Member States may ~~decide~~ provide for regulatory authorities to grant a derogation from the requirements of one or more of Articles 31, 62, 63, 64 and 65 and 64 of this Directive, and Articles 6 and 47 of [recast Gas Regulation as proposed in COM(2021)- ~~xxx~~ 804] to hydrogen networks that belonged to a vertically integrated undertaking on [date of entry into force]. The derogation shall be limited in scope to the network capacity in operation on [date of entry into force].	1. Member States may ~~decide~~ provide for regulatory authorities to grant a derogation from the requirements of one or more of Articles 31, 42, 62, 63, 64 and 65 ~~62, 63 and 64~~ of this Directive, and Articles 6 and 47 of [recast Gas Regulation as proposed in COM(2021) ~~xxx~~ 804] to hydrogen networks that belonged to a vertically integrated undertaking on [date of entry into force]. The derogation shall be limited in scope to the network capacity in operation on [date of entry into force]. 13.11.2023 provisionally agreed
Article 47(2)				
590	2. The derogation shall be limited in time and shall expire:	2. The derogation shall be limited in time and shall expire:	2. The derogation shall ~~be limited in time and shall~~ expire:	2. The derogation shall ~~be limited in time and shall~~ expire: 13.11.2023 provisionally agreed Text Origin: Council Mandate
Article 47(2), point (a)				
591	(a) where the vertically integrated	(a) where the vertically integrated	(a) where the vertically integrated	(a) where the vertically integrated

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	undertaking submits a request to the regulatory authority to end the derogation and such request is approved by the regulatory authority;	undertaking submits a request to the regulatory authority to end the derogation and such request is approved by the regulatory authority;	undertaking submits a request to the regulatory authority to end the derogation and such request is approved by the regulatory authority;	undertaking submits a request to the regulatory authority to end the derogation and such request is approved by the regulatory authority; Text Origin: Commission Proposal
Article 47(2), point (b)				
592	(b) where the hydrogen network benefitting from the derogation is connected to another hydrogen network;	(b) where the hydrogen network benefitting from the derogation is connected to another hydrogen network;	(b) where the hydrogen network benefitting from the derogation is connected to another hydrogen network;	(b) where the hydrogen network benefitting from the derogation is connected to another hydrogen network; Text Origin: Commission Proposal
Article 47(2), point (c)				
593	(c) where the hydrogen network benefitting from the derogation or its capacity is expanded;	(c) where the hydrogen network benefitting from the derogation or its capacity is expanded;	(c) where the hydrogen network benefitting from the derogation or its capacity is expanded by more than [5%] in terms of length or capacity compared to [date of entry into force of this Directive]; or	(c) where the hydrogen network benefitting from the derogation or its capacity is expanded <u>by more than 5% in terms of length or capacity compared to [date of entry into force of this Directive]; or</u> 13.11.2023 Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 47(2), point (d)			
594	(d) at the latest on 31 December 2030.	(d) at the latest on 31 December 2030.	(d) ~~at the latest on 31 December 2030~~ where the regulatory authority concludes by decision that the continued application of the derogation would carry the risk of impeding competition or adversely affecting the efficient deployment of hydrogen infrastructure or the development of the hydrogen market in the Member State or the Union.	(d) ~~at the latest on 31 December 2030~~ <u>where the regulatory authority concludes by decision that the continued application of the derogation would carry the risk of impeding competition or adversely affecting the efficient deployment of hydrogen infrastructure or the development and functioning of the hydrogen market in the Member State or the Union.</u> 13.11.2023 provisionally agreed Text Origin: Council Mandate
	Article 47(2), point (da)			
594a				<u>(da) Every 7 years as from the granting of a derogation pursuant to paragraph 1, the regulatory authority shall publish an assessment of the derogation's impact on competition, hydrogen infrastructure as well as the development and functioning of the hydrogen market in the Member State or the Union.</u> 13.11.2023

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 47(2a)			
594b			(2a) Regulatory authorities may request operators of existing hydrogen networks to provide them with all information necessary for the execution of their tasks.	<u>2a. Regulatory authorities may request operators of existing hydrogen networks to provide them with all information necessary for the execution of their tasks.</u> 13.11.2023 provisionally agreed Text Origin: Council Mandate
	Article 48			
595	Article 48 Geographically confined hydrogen networks	Article 48 Geographically confined hydrogen networks	Article 48 Geographically confined hydrogen networks	Article 48 Geographically confined hydrogen networks Text Origin: Commission Proposal
	Article 48(1)			
596	1. Member States may provide for regulatory authorities to grant a derogation from Article 62 for hydrogen networks which transport hydrogen from one entry point to a limited number of exit points within a geographically confined,	1. Member States may provide for regulatory authorities to grant a derogation from Article 42 or 62 for hydrogen networks which transport hydrogen from one entry point to a limited number of exit points within a geographically	1. Member States may provide for regulatory authorities to grant a derogation from Article 62 Articles 62 and 65 for hydrogen networks which transport hydrogen from one entry point to a limited number of exit points within a	1. Member States may provide for regulatory authorities to grant a derogation from ~~Article 62~~ <u>Articles 62 and 65 or Article 42</u> , for hydrogen networks which transport hydrogen from <u>within a geographically confined</u> ,

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	industrial or commercial area..	confined, industrial or commercial area. █	geographically confined area. For the duration of the derogation, such network shall fulfil all of the following conditions: industrial or commercial area..	<u>industrial or commercial area.</u> <u>For the duration of the derogation, such network shall fulfil all of the following conditions:</u> ~~one entry point to a limited number of exit points within a geographically confined, industrial or commercial area..~~ 13.11.2023 provisionally agreed
Article 48(1), second subparagraph				
596a		<i>Before granting a derogation pursuant to the first subparagraph, the regulatory authorities shall take into account the connection to the hydrogen network of end-users in hard-to decarbonise sectors with the highest greenhouse gas abatement potential where no other more energy or cost efficient alternatives are available .</i>		<u>Deleted</u> 13.11.2023 provisionally agreed
Article 48(1), first point (i)				
596b			i. It shall not include hydrogen interconnectors.	<u>i. It shall not include hydrogen interconnectors.</u> 13.11.2023 provisionally agreed

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 48(1), second point (ii)				
596c			ii. It shall not have direct connections to hydrogen storage facilities or hydrogen terminals, unless such storage facilities or terminals are also connected to a hydrogen network which does not benefit from a derogation under this Article or Article 47.	<u>ii. It shall not have direct connections to hydrogen storage facilities or hydrogen terminals, unless such storage facilities or terminals are also connected to a hydrogen network which does not benefit from a derogation under this Article or Article 47.</u> 13.11.2023 provisionally agreed
Article 48(1), third point (iii)				
596d			iii. It shall primarily serve the purpose of supplying hydrogen to customers directly connected to this network.	<u>iii. It shall primarily serve the purpose of supplying hydrogen to customers directly connected to this network.</u> 13.11.2023 provisionally agreed
Article 48(1), fifth point (iv)				
596e				<u>iv. It shall not be connected to any other hydrogen network, except to networks also benefiting from a derogation under this article which are operated by the same hydrogen network operator.</u> 13.11.2023 provisionally agreed

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	Article 48(2), first subparagraph			
597	2. The derogations under paragraph 1 shall apply at least until 31 December 2030. As from 1 January 2031, the derogation shall expire when one of the conditions below is fulfilled:	2. The derogations under paragraph 1 shall apply at least until 31 December 2030. As from 1 January 2031, the derogation shall expire when one of the conditions below is fulfilled:	2. The ~~derogations under~~ national regulatory authority shall adopt a decision to withdraw the derogation pursuant to paragraph 1 shall apply at least until 31 December 2030. As from 1 January 2031, the derogation shall expire ~~when one~~ if it concludes that the continued application of the derogation would carry the risk of impeding competition or adversely affecting the efficient deployment of hydrogen infrastructure or the development of the hydrogen market in the Member State or the Union, or where any of the conditions below is listed under paragraph 1 is no longer fulfilled.	2. The ~~derogations under~~ national regulatory authority shall adopt a decision to withdraw the derogation pursuant to paragraph 1 ~~shall apply at least until 31 December 2030. As from 1 January 2031, the derogation shall expire when one~~ if it concludes that the continued application of the derogation would carry the risk of impeding competition or adversely affecting the efficient deployment of hydrogen infrastructure or the development and functioning of the hydrogen market in the Member State or the Union, or where any of the conditions below is listed under paragraph 1 is no longer fulfilled. 13.11.2023 provisionally agreed
	Article 48(2), second subparagraph			
597a				<u>Every 7 years as from the granting of a derogation pursuant to paragraph 1, the regulatory authority shall publish an assessment of the derogation's</u>

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				<u>impact on competition, hydrogen infrastructure as well as the development and functioning of the hydrogen market in the Member State or the Union.</u> 13.11.2023 provisionally
Article 48(3), first subparagraph				
598	(a) where a competing renewable hydrogen producer wants to get access to the network;	(a) where a competing renewable hydrogen producer wants to get access to the network;	(a) where a competing renewable hydrogen producer wants to get access to the network;	~~(a) where a competing renewable hydrogen producer wants to get access to the network;~~ Deleted 13.11.2023 provisionally agreed
Article 48(3), first subparagraph, point (a)				
599	(b) where the exempted hydrogen network becomes connected to another hydrogen network.	(b) where the exempted hydrogen network becomes connected to another hydrogen network.	(b) where the exempted hydrogen network becomes connected to another hydrogen network.	~~(b) where the exempted hydrogen network becomes connected to another hydrogen network.~~ Deleted 13.11.2023 provisionally agreed
Article 48(3), second subparagraph				
600	Member States shall take the necessary measures to ensure that access requests referred to in point (a) of this paragraph are notified to the regulatory authority.	Member States shall take the necessary measures to ensure that access requests referred to in point (a) of the first subparagraph are notified to the regulatory authority	Member States shall take the necessary measures to ensure that access requests referred to in point (a) of this paragraph are notified to the regulatory authority.	Member States shall take the necessary measures to ensure that access requests ~~referred to in point (a) of this paragraph~~ of hydrogen producers as well as connection

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>and information on derogations, type of end-users served, type and extension of the geographically confined area are made publicly available, with due regard of commercially sensitive information.</i>		<u>requests of industrial customers</u> are notified to the regulatory authority, <u>made public and treated pursuant to article 38. Publication of access requests shall preserve the confidentiality of commercially sensitive information.</u> 13.11.2023 provisionally agreed
Article 49				
601	Article 49 Hydrogen interconnectors with third countries	Article 49 Hydrogen interconnectors with third countries	Article 49 Hydrogen interconnectors with third countries	Article 49 Hydrogen interconnectors with third countries Text Origin: Commission Proposal
Article 49(1)				
602	1. Hydrogen interconnectors between Member States and third countries shall be subject to the rules applicable to hydrogen networks as set out in this Directive and in [recast Gas Regulation as proposed in COM(2021) xxx]. Member States shall ensure that the enforcement of these rules takes into account	1. Hydrogen interconnectors between Member States and third countries shall be subject to the rules applicable to hydrogen networks as set out in this Directive and in [recast Gas Regulation as proposed in COM(2021) xxx]. Member States shall ensure that the enforcement of these rules takes into account	1. The Union shall, for each hydrogen interconnectors interconnector between Member States and third countries, conclude prior to its operation an international agreement in accordance with Article 218 TFEU with the connected third country, or third countries, setting out the	1. <u>The Union shall, for each hydrogen interconnectors interconnector</u> between Member States and third countries, <u>conclude prior to its operation an international agreement in accordance with Article 218 TFEU with the connected third country, or third countries, setting out the</u>

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	their effective application on Union territory and the integrated nature of the interconnector.	their effective application on Union territory and the integrated nature of the interconnector.	operating rules for the hydrogen interconnector concerned, where necessary to ensure coherence and consistency with ~~shall be subject to the rules applicable to hydrogen networks as set out in this Directive and in~~ [recast gas Regulation as proposed in COM(2021) ~~xxx~~ COM(2021)804]. Member States An international agreement shall ensure that the enforcement of these rules takes into account their effective application on Union territory and the integrated nature of the ~~not~~ be considered necessary where the Member State connected or intending to be connected by a hydrogen interconnector negotiates and concludes an intergovernmental agreement with the connected third country or third countries concerned in accordance with Article 82, setting out the operating rules for the hydrogen interconnector concerned to ensure coherence and consistency with the rules applicable to hydrogen networks set out in this Directive and [recast gas Regulation as proposed in COM(2021)804].	<u><i>operating rules for the hydrogen interconnector concerned, where necessary to ensure coherence and consistency with</i></u> ~~shall be subject to the rules applicable to hydrogen networks as~~ set out in this Directive and ~~in~~ [recast gas Regulation as proposed in COM(2021) ~~xxx~~ COM(2021)804]. <u><i>Member States</i></u> <u><i>An international agreement</i></u> shall ~~ensure that the enforcement of these rules takes into account their effective application on Union territory and the integrated nature of the~~ <u><i>not be considered necessary where the Member State connected or intending to be connected by a hydrogen interconnector negotiates and concludes an intergovernmental agreement with the connected third country or third countries concerned in accordance with Article 82, setting out the operating rules for the hydrogen</i></u> interconnector <u><i>concerned to ensure coherence and consistency with the rules applicable to hydrogen networks set out in this Directive and [recast gas Regulation as proposed in COM(2021)804].</i></u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				6.11.2023 Provisionally agreed Text Origin: Council Mandate
Article 49(2)				
603	2. For the purpose of implementing the requirements set out in paragraph 1, the Union shall, for each hydrogen interconnector, conclude prior to its operation an intergovernmental agreement with the connected third country, or third countries, setting out the operating rules for the hydrogen interconnector concerned where the Commission has determined that such an agreement is necessary to ensure compliance with the rules referred to in paragraph 1.	2. For the purpose of implementing the requirements set out in paragraph 1, the Union shall, for each hydrogen interconnector, conclude prior to its operation an intergovernmental agreement with the connected third country, or third countries, setting out the operating rules for the hydrogen interconnector concerned where the Commission has determined that such an agreement is necessary to ensure compliance with the rules referred to in paragraph 1.	2. For the purpose of implementing the requirements set out in Paragraph 1, the Union shall, for each hydrogen interconnector, conclude prior to its operation an intergovernmental agreement with the connected third country, or third countries, setting out the operating rules for the hydrogen interconnector concerned where the Commission has determined that such an agreement is necessary to ensure compliance with the rules referred to in paragraph 1 be without prejudice to Article 79 and to the allocation of competences between the Union and the Member States.	2. ~~For the purpose of implementing the requirements set out in Paragraph 1, the Union shall, for each hydrogen interconnector, conclude prior to its operation an intergovernmental agreement with the connected third country, or third countries, setting out the operating rules for the hydrogen interconnector concerned where the Commission has determined that such an agreement is necessary to ensure compliance with the rules referred to in paragraph 1~~ be without prejudice to Article 79 and to the allocation of competences between the Union and the Member States. 6.11.2023 Provisionally agreed Text Origin: Council Mandate
Article 49(3a)				
604a		<i>Article 49a</i>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>Smart metering systems in the hydrogen system for industrial customers</i>		<i>deleted</i>
Article 49(3b)				
604b		<i>1. Member States shall ensure the deployment of smart metering systems for industrial customers that can accurately measure consumption, provide information on actual time of use, and are capable of transmitting and receiving data for the purpose of information, monitoring and control, using a form of electronic communication.</i>		<u>Deleted</u>
Article 49(3c)				
604c		<i>2. Member States shall ensure the security of the metering systems and of relevant data communication, and the privacy of final customers, in accordance with relevant Union data protection and privacy law, as well as their interoperability, having regard to the use of appropriate standards.</i>		<u>Deleted</u>

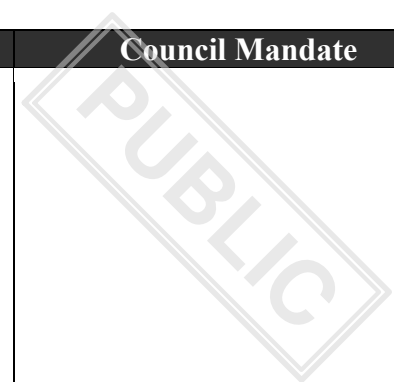
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 49(3d)				
604d		<i>3. The Commission shall adopt, by means of implementing acts, interoperability requirements for smart metering systems and procedures to ensure, for those eligible, access to data coming from those metering systems. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 84(2).</i>		<u>Deleted</u>
Article 50				
605	Article 50 Confidentiality for operators of hydrogen networks, hydrogen storage facilities and hydrogen terminals	Article 50 Confidentiality for operators of hydrogen networks, hydrogen storage facilities and hydrogen terminals	Article 50 Confidentiality for operators of hydrogen networks, hydrogen storage facilities and hydrogen terminals	Article 50 Confidentiality for operators of hydrogen networks, hydrogen storage facilities and hydrogen terminals Text Origin: Commission Proposal
Article 50(1)				
606	1. Without prejudice to legal duties to disclose information, each operator of a hydrogen network, hydrogen storage facility or hydrogen terminal, and each owner	1. Without prejudice to legal duties to disclose information, each operator of a hydrogen network, hydrogen storage facility or hydrogen terminal, and each owner	1. Without prejudice to legal duties to disclose information, each operator of a hydrogen network, hydrogen storage facility or hydrogen terminal, and each owner	1. Without prejudice to legal duties to disclose information, each operator of a hydrogen network, hydrogen storage facility or hydrogen terminal, and each owner

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	of a hydrogen network, shall preserve the confidentiality of commercially sensitive information obtained in the course of carrying out its activities, and shall prevent information about its own activities which may be commercially advantageous from being disclosed in a discriminatory manner. In particular, if the operator of a hydrogen network, hydrogen storage facility or hydrogen terminal, or the owner of a hydrogen network is part of a vertically integrated undertaking, it shall not disclose any commercially sensitive information to the remaining parts of the undertaking, unless this is necessary for carrying out a business transaction.	of a hydrogen network, shall preserve the confidentiality of commercially sensitive information obtained in the course of carrying out its activities, and shall prevent information about its own activities which may be commercially advantageous from being disclosed in a discriminatory manner. If the operator of a hydrogen network, hydrogen storage facility or hydrogen terminal, or the owner of a hydrogen network is part of a vertically integrated undertaking, it shall, <i>in particular</i> , not disclose any commercially sensitive information to the remaining parts of the <i>vertically integrated undertaking other than transmission system operators, distribution system operators or hydrogen network operators</i> , unless this is necessary for carrying out a business transaction.	of a hydrogen network, shall preserve the confidentiality of commercially sensitive information obtained in the course of carrying out its activities, and shall prevent information about its own activities which may be commercially advantageous from being disclosed in a discriminatory manner. In particular, if the operator of a hydrogen network, hydrogen storage facility or hydrogen terminal, or the owner of a hydrogen network is part of a vertically integrated undertaking, it shall not disclose any commercially sensitive information to the remaining parts of the undertaking which are not transmission or distribution system operators or hydrogen network operators , unless this is necessary for carrying out a business transaction.	of a hydrogen network, shall preserve the confidentiality of commercially sensitive information obtained in the course of carrying out its activities, and shall prevent information about its own activities which may be commercially advantageous from being disclosed in a discriminatory manner. In particular, if the operator of a hydrogen network, hydrogen storage facility or hydrogen terminal, or the owner of a hydrogen network is part of a vertically integrated undertaking, it shall not disclose any commercially sensitive information to the remaining parts of the <u>vertically integrated undertaking other than transmission system operators, distribution system operators or hydrogen network operators</u> , unless this is necessary for carrying out a business transaction.
	Article 50(2)			
607	2. The operator of a hydrogen network, hydrogen storage facility or hydrogen terminal shall not, in the context of sales or purchases of hydrogen by related undertakings,	2. The operator of a hydrogen network, hydrogen storage facility or hydrogen terminal shall not, in the context of sales or purchases of hydrogen by related undertakings,	2. The operator of a hydrogen network, hydrogen storage facility or hydrogen terminal shall not, in the context of sales or purchases of hydrogen by related undertakings,	2. The operator of a hydrogen network, hydrogen storage facility or hydrogen terminal shall not, in the context of sales or purchases of hydrogen by related undertakings,

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	misuse commercially sensitive information obtained from third parties in the context of providing or negotiating access to the system.	misuse commercially sensitive information obtained from third parties in the context of providing or negotiating access to the system.	misuse commercially sensitive information obtained from third parties in the context of providing or negotiating access to the system.	misuse commercially sensitive information obtained from third parties in the context of providing or negotiating access to the system. Text Origin: Commission Proposal
Article 50(3)				
608	3. Information necessary for effective competition and the efficient functioning of the market shall be made public. That obligation shall be without prejudice to protecting commercially sensitive information.	3. Information necessary for effective competition and the efficient functioning of the market shall be made public. That obligation shall be without prejudice to protecting commercially sensitive information.	3. Information necessary for effective competition and the efficient functioning of the market shall be made public. That obligation shall be without prejudice to protecting commercially sensitive information.	3. Information necessary for effective competition and the efficient functioning of the market shall be made public. That obligation shall be without prejudice to protecting commercially sensitive information. Text Origin: Commission Proposal
Chapter VIII				
609	Chapter VIII Integrated network planning	Chapter VIII Integrated network planning	Chapter VIII Integrated network planning	
Article 51				
610	Article 51 Network development and powers to make investment decisions	Article 51 Network development and powers to make investment decisions	Article 51 Network development for natural gas and powers to make	Article 51 Network development <u>for natural gas and hydrogen</u> and powers to

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			investment decisions	make investment decisions Email 10.11.2023 provisionally agreed
Article 51(1)				
611	1. At least every two years, all transmission system operators shall submit to the relevant regulatory authority a ten-year network development plan based on existing and forecast supply and demand after having consulted all relevant stakeholders. There shall be at least one single network development plan per Member State. Infrastructure operators, including LNG terminal operators, storage operators, distribution system operators as well as hydrogen, district heating infrastructure and electricity operators shall be required to provide and exchange all relevant information to the transmission system operators required for developing the single plan. That network development plan shall contain efficient measures in order to guarantee the adequacy of the natural gas system and the security of supply, in particular the compliance with the infrastructure	1. At least every two years, <i>all</i> transmission system operators, <i>hydrogen transmission network operators and electricity transmission system operator in accordance with Article 51 of Directive (EU) 2019/944</i> shall submit to the relevant regulatory authority a ten-year network development plan based on existing and forecast supply and demand after having consulted all relevant stakeholders <i>in accordance with paragraph 8a of this Article</i>. There shall be at least one single network development plan per Member State <i>for natural gas, hydrogen and electricity. The single network development plan shall contain efficient measures in order to promote energy system integration in line with the 'system efficiency' principle, as defined in Article 2, point (3a) of Directive (EU) .../... and the energy efficiency first principle in accordance with the Commission</i>	1. At least every two years, all transmission system operators shall submit to the relevant regulatory authority a ten-year network development plan based on existing and forecast supply and demand after having consulted all relevant stakeholders. There shall be at least one single network development plan per Member State. Infrastructure operators, including LNG terminal operators, storage operators, distribution system operators as well as hydrogen, district heating infrastructure and electricity operators shall be required to provide and exchange all relevant information to the transmission system operators required for developing the single plan. That network development plan shall contain efficient measures in order to guarantee the adequacy of the natural gas system and the security of supply, in particular the compliance with the infrastructure	1. At least every two years, all transmission system operators <u>and hydrogen transmission network operators</u> shall submit to the relevant regulatory authority a ten-year network development plan based on existing and forecast supply and demand after having consulted all relevant stakeholders <u>according to paragraph 2, point (e)</u>. There shall be <u>one single network development plan per Member State for natural gas and</u> ~~at least~~ <u>one single network development plan per Member State for hydrogen or one joint plan for natural gas and hydrogen per Member State.</u> <u>Member States allowing for one joint plan shall ensure that the plan is sufficiently transparent to allow the regulatory authority to clearly identify the specific needs of the gas sector and the specific needs of the hydrogen sector that the plan is addressing. Separate modelling shall be performed for</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	standards under Regulation (EU) 2017/1938. The ten-year network development plan shall be published and accessible on a website.	<i>Recommendation on Energy Efficiency First, contribute to climate neutrality and</i> guarantee the adequacy of the natural gas system and the <i>hydrogen system as well as the</i> security of supply, in particular the compliance with the infrastructure standards under Regulation (EU) 2017/1938. The ten-year network development plan, <i>and the information which the transmission system operator and the hydrogen transmission network operator considered in developing the ten-year network development plan,</i> shall be published and accessible on a website.	standards under Regulation (EU) 2017/1938. The ten-year network development plan shall be published and accessible on a website.	<u><i>the respective energy carriers and with separate chapters showing network maps for natural gas and network maps for hydrogen.</i></u> <u><i>Member States in which separate plans for gas and hydrogen are developed shall ensure that transmission system operators and hydrogen transmission network operators cooperate closely where decisions need to be made to ensure system efficiency as defined in Art 2, point 4 of Directive 2023/1791 across energy carriers, such as for repurposing.</i></u> <u><i>Hydrogen transmission network operators shall closely cooperate with electricity transmission system operators and electricity distribution system operators if applicable in order to coordinate joint infrastructure requirements, such as the location of electrolyzers and the respective transmission infrastructure and take the utmost account their views.</i></u> <u><i>Member States shall endeavour to ensure coordinated planning steps of the respective ten-year</i></u>



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u>network development plans for natural gas, hydrogen and electricity.</u> -Infrastructure operators, including LNG terminal operators, storage operators, distribution system operators as well as hydrogen <u>distribution network operators, hydrogen terminal operators and hydrogen storage operators</u>, district heating infrastructure and electricity operators shall be required to provide and exchange all relevant information to the transmission system operators ~~required for developing the single plan. That~~ <u>for the planning. The</u> network development plan <u>for natural gas</u> shall contain efficient measures in order to guarantee the adequacy of the natural gas system and the security of supply, in particular the compliance with the infrastructure standards under Regulation (EU) 2017/1938. The ten-year network development ~~plan~~<u>plans</u> shall be published and accessible on a website <u>along with the outcome of the stakeholders consultation. The website shall be update regularly so that all the relevant stakeholders have</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				visibility on when, what and how will be consulted. Email 10.11.2023 provisionally agreed
Article 51(2)				
612	2. The ten-year network development plan shall, in particular:	2. The ten-year network development plan shall, in particular:	2. The ten-year network development plan shall, in particular:	2. The ten-year network development plan or plans shall, in particular: Email 10.11.2023 provisionally agreed
Article 51(2), point (a)				
613	(a) contain the main infrastructure that needs to be built or upgraded over the next ten years;	(a) contain the main infrastructure that needs to be built or upgraded over the next ten years, <i>taking into account infrastructure developed by distribution system operators to enable reverse flows to the transmission network;</i>	(a) contain comprehensive and detailed information on the main infrastructure that needs to be built or upgraded over the next ten years taking into account any infrastructure needed for connecting renewable and low-carbon gas installations and including infrastructure developed to enable reverse flows to the transmission network;	(a) contain comprehensive and detailed information on the main infrastructure that needs to be built or upgraded over the next ten years taking into account any infrastructure reinforcements needed for connecting renewable and low-carbon gas installations and including infrastructure developed to enable reverse flows to the transmission network; Email 10.11.2023 provisionally agreed
Article 51(2), point (b)				
614				

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	(b) contain all the investments already decided and identify new investments which have to be executed in the next three years;	(b) contain all the investments <i>and demand-side solutions not requiring new infrastructure investments</i> already decided and identify new investments <i>and demand-side solutions not requiring new infrastructure investments</i> which have to be executed in the next three years, <i>including investments with regard to the decommissioning and repurposing of infrastructure</i> ;	(b) contain all the investments already decided and identify new investments which have to be executed in the next three years;	(b) contain all the investments already decided and identify new investments <u>and demand-side solutions not requiring new infrastructure investments</u> which have to be executed in the next three years; Email 10.11.2023 provisionally agreed
	Article 51(2), point (c)			
615	(c) include information on infrastructure that can or will be decommissioned; and	(c) include information on infrastructure that can or will be decommissioned <i>or repurposed for the transmission of hydrogen, in particular to rapidly deliver hydrogen to end-users in hard-to-decarbonise sectors with the highest greenhouse gas abatement potential per tonne of consumed hydrogen and where no other more energy and cost efficient options are available</i> ;	(c) include comprehensive and detailed information on infrastructure that can or will be decommissioned; ~~and~~	(c) <u>in the case of natural gas</u> , include <u>comprehensive and detailed</u> information on infrastructure that can or will be decommissioned; and Email 10.11.2023 provisionally agreed
	Article 51(2), point (ca)			
615a		(ca) <i>identify the most relevant and cost-efficient network</i>		<u>(ca) in case of hydrogen include comprehensive and detailed</u>

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		<i>connections and network reinforcements for renewable gas, including renewable hydrogen;</i>		<u>information on infrastructure that can or will be repurposed for the transmission of hydrogen, in particular to deliver hydrogen to end-users in hard-to-decarbonise sectors taking into account the greenhouse gas abatement potential and the energy and cost-efficiency in relation to other options</u> Email 10.11.2023 provisionally agreed
	Article 51(2), point (d)			
616	(d) provide for a time frame for all investment and decommissioning projects;	(d) provide for a time frame for all investment and decommissioning <i>or projects and all demand-side solutions not requiring new infrastructure investments;</i>	(d) provide for a time frame for all investment and decommissioning projects;	(d) provide for a time frame for all investment and decommissioning projects; Email 10.11.2023 provisionally agreed
	Article 51(2), point (da)			
616a		<i>(da) include information on capacity needs, both in volume and duration, as negotiated between network users and hydrogen transmission network operators as well as the predicted supply and demand for hydrogen, specifically taking into account end-users in hard-to-decarbonise</i>		<u>(da) Deleted</u> Email 10.11.2023 provisionally agreed

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		<i>sectors, which have the highest greenhouse gas emissions abatement potential per tonne of consumed hydrogen and where no other more energy and cost efficient options are available;</i>		
Article 51(2), point (db)				
616b		<i>(db) identify investment gaps, in particular with respect to cross-border capacities, that are needed for the establishment of an integrated Union hydrogen market enabling hydrogen to move freely across borders, taking into account the hydrogen storage development and the integration of hydrogen imports;</i>		<u>(db) Deleted</u> Email 10.11.2023 provisionally agreed
Article 51(2), point (e)				
617	(e) be based on a joint scenario framework developed between the relevant infrastructure operators, including relevant distribution system operators, of at least gas and electricity;	(e) be based on a joint scenario framework developed between the relevant infrastructure operators, including relevant distribution system operators, of at least gas, including hydrogen, electricity and district heating and the regulatory authorities, which shall incorporate reasonable assumptions for the evolution of	(e) be based on a joint scenario framework developed between the relevant infrastructure operators, including relevant distribution system operators, of at least natural gas and electricity. Such scenarios shall be based on reasonable assumptions about the evolution of the production, supply, consumption and	(e) be based on a joint scenario <u>developed every two years</u> ~~framework developed~~ between the relevant infrastructure operators, including relevant distribution system operators, of at least <u>natural gas, hydrogen, electricity and, where applicable, district heating.</u> <u>Such scenarios shall be based on</u>

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		<i>production, consumption and trade of energy and shall be developed with input from all relevant stakeholders as referred to in paragraph 8a of this Article; evolution of biomethane production incorporated in the joint scenario framework shall be based on the regional maps referred to in Article 17a(1) of Regulation [recast Gas Regulation as proposed in COM(2021)xxx]; the joint scenario framework shall include a long-term perspective, with intermediate steps, until 2050 in line with point (g) of this paragraph and take into account the joint scenario framework from the Union-wide ten-year network development plan;</i>	exchanges with other countries;	<u>reasonable assumptions about the evolution of the production, supply and consumption, in particular the needs of hard-to-decarbonise sectors taking into account the greenhouse gas abatement potential and the energy and cost-efficiency in relation to other options, and shalltake into account demand-side solutions not requiring new infrastructure investments. They shall also take into account cross-border exchanges, including with third countries and the role of hydrogen storage and the integration of hydrogen terminals.</u> <u>[Infrastructure operators shall conduct an extensive consultation process on such scenarios open to all relevant stakeholders including the distribution system operators in natural gas and electricity, hydrogen distribution network operators, associations involved in electricity, gas and hydrogen markets, heating and cooling, supply and production undertakings, independent aggregators, demand-response operators, organisations involved in energy efficiency solutions,</u>

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				<u>energy consumer associations, civil society representatives. The consultations shall take place at an early stage prior to the development of the ten-year network development plan in an open, inclusive and transparent manner.] All documents provided by the infrastructure operators to facilitate the consultations shall be made public as well as the outcome of the stakeholders consultation. The website shall be updated in a timely manner when these documents are available so that all the relevant stakeholders have the required visibility to effectively participate in the consultation.</u> <u>The joint scenarios shall be in line with Union-wide scenarios established in accordance with Article 12 of Regulation (EU) 2022/869 and with the integrated national energy and climate plan and its updates, in accordance with Regulation (EU) 2018/1999 and support the climate-neutrality objective set out in Article 2(1) and 4(1) of Regulation (EU) 2021/1119.</u> <u>The scenarios shall be approved</u>

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				<u>by the competent national authority [and the European Scientific Advisory Board on Climate Change established under Article 10a of Regulation (EC) No 401/2009 may, on its own initiative, provide an opinion on the compatibility of joint scenarios with the Union's 2030 targets for energy and climate and its 2050 climate neutrality objective, which has to be taken into account by the competent national authority.]</u>; Email 10.11.2023 provisionally agreed but COM open to redraft for better readability
	Article 51(2), point (ea)			
G 617a		<i>(ea) be developed in a close cooperation between gas, hydrogen and electricity operators on the basis on identified coordinated priority corridors for renewable electricity and renewable gas in accordance with the joint scenario framework developed under point (e);</i>		<u>(ea) Deleted</u> Email 10.11.2023 provisionally agreed
	Article 51(2), point (f)			

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618	(f) be consistent with the results of the common and national risk assessments under Article 7 of Regulation 2017/1938;	(f) be consistent with the results of the common and national risk assessments under Article 7 of Regulation 2017/1938;	(f) be consistent with the results of the common and national risk assessments under Article 7 of Regulation 2017/1938;	(f) be consistent with the results of the common and national risk assessments under Article 7 of Regulation 2017/1938, <u>where relevant</u> ; Email 10.11.2023 provisionally agreed
Article 51(2), point (g)				
619	(g) be in line with the integrated national energy and climate plan and its updates, and with the integrated national energy climate reports submitted in accordance with Regulation (EU) 2018/1999 and support the climate-neutrality objective set out in Article 2(1), of Regulation (EU) 2021/1119.	(g) contribute to achieving the integrated national energy and climate plan and its updates, the integrated national energy climate reports and long-term strategies submitted in accordance with Regulation (EU) 2018/1999 and support the GHG emissions reductions and climate-neutrality objectives set out in Articles 2(1) and 4(1) of Regulation (EU) 2021/1119 and relevant national decarbonisation objectives ;	(g) be in line with the integrated national energy and climate plan and its updates, and with the integrated national energy climate reports submitted in accordance with Regulation (EU) 2018/1999 and support the climate-neutrality objective set out in Article 2(1), of Regulation (EU) 2021/1119.	(g) be in line with the integrated national energy and climate plan and its updates, and with the integrated national energy climate reports submitted in accordance with Regulation (EU) 2018/1999. <u>It shall also be consistent with targets set by Directive (EU) 2018/2011 [amended RED]</u> -and support the climate-neutrality objective set out in Article 2(1) ~~and 4(1)~~ of Regulation (EU) 2021/1119. Email 10.11.2023 provisionally agreed
Article 51(2), point (ga)				
619a		<i>(ga) be in line with and contribute to the latest Union energy and climate objectives for</i>		<u>(ga) Deleted</u> Email 10.11.2023 provisionally agreed

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		2030 as defined under targets agreed in Directive (EU) .../... , Article 26 of the Directive (EU) .../... and in Directive (EU) 2018/2011 [amended RED];		
	Article 51(2), point (gb)			
G 619b		(gb) be consistent with the Union-wide ten-year network development plan referred to in Article 29 of Regulation ... [recast Gas Regulation as proposed in COM(2021)xxx].		<u>(gb) be consistent with the Union-wide ten-year network development plan for natural gas referred to in Article 29 of Regulation [recast Gas Regulation as proposed in COM(2021)xxx] and the Union-wide ten-year network development plan for hydrogen referred to in Article 43 of Regulation [recast Gas Regulation as proposed in COM(2021)xxx], as applicable.</u> Email 10.11.2023 provisionally agreed
	Article 51(2), point (gc)			
G 619c		(gc) take into account the distribution network development plans referred to in Article 52b.		<u>(gc) take into account the hydrogen distribution network development reporting referred to in Article 52 and the natural gas distribution network plans referred to in Article 52b.</u>

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				Email 10.11.2023 provisionally agreed
Article 51(4)				
621	4. The regulatory authority shall consult all actual or potential system users on the ten-year network development plan in an open and transparent manner. Persons or undertakings claiming to be potential system users may be required to substantiate such claims. The regulatory authority shall publish the result of the consultation process, in particular possible needs for investments.	4. The regulatory authority shall consult all actual or potential system users and all relevant stakeholders in accordance with paragraph 8a , on the ten-year network development plan in an open and transparent manner. Persons or undertakings claiming to be potential system users may be required to substantiate such claims. The regulatory authority shall publish the result of the consultation process, including possible needs for investments, decommissioning of assets and demand-side solutions not requiring new infrastructure investments .	4. The regulatory authority shall consult all actual or potential system users on the ten-year network development plan in an open and transparent manner. Persons or undertakings claiming to be potential system users may be required to substantiate such claims. The regulatory authority shall publish the result of the consultation process, in particular possible needs for investments.	4. The regulatory authority shall consult all actual or potential system users on the ten-year network development plan in an open and transparent manner. Persons or undertakings claiming to be potential system users may be required to substantiate such claims. The regulatory authority shall publish the result of the consultation process, ~~in~~ particular including possible needs for investments, decommissioning of assets and demand-side solutions not requiring new infrastructure investments. Email 10.11.2023 provisionally agreed
Article 51(5), first subparagraph				
622	5. The regulatory authority shall examine whether the ten-year network development plan covers all investment needs identified during the consultation process, and whether it is consistent with the most recent Union wide	5. The regulatory authority shall examine whether the ten-year network development plan complies with paragraphs 1, 2 and 3 , covers all investment needs identified during the consultation process, promotes energy system	5. The regulatory authority shall examine whether the ten-year network development plan covers all investment needs identified during the consultation process, and whether it is consistent with the most recent Union wide	5. The regulatory authority shall examine whether the ten-year network development plan complies with paragraphs 1, 2 and 3 , covers all investment needs identified during the consultation process, and whether it is

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	simulation of disruption scenarios carried out by the ENTSO for Gas under Article 7 of Regulation (EU) 2017/1938, with the regional and national risk assessments and the non-binding Union -wide ten-year network development plan (Union -wide network development plan) referred to in Article 30(1), point (b), of Regulation (EU) 2019/943. If any doubt arises as to the consistency with the Union -wide network development plan, the regulatory authority shall consult ACER. The regulatory authority may require the transmission system operator to amend its ten-year network development plan.	<i>integration and is in line with the energy efficiency first principle, the integrated national energy and climate plan and its updates, with the integrated national energy climate reports and long-term strategies submitted in accordance with Regulation (EU) 2018/1999, and whether it is consistent with the most recent Union wide simulation of disruption scenarios carried out by the ENTSO under Article 7 of Regulation (EU) 2017/1938, with the regional and national risk assessments, the Union-wide ten-year network development plan referred to in Article 29 of Regulation ... [recast Gas Regulation as proposed in COM(2021)] and the non-binding Union-wide ten-year network development plan (Union -wide network development plan) referred to in Article 30(1), point (b), of Regulation (EU) 2019/943. If any doubt arises as to the consistency with the Union -wide network development plan, the regulatory authority shall consult</i> ACER. The European Scientific Advisory Board on Climate Change may give an opinion on the draft ten-year	simulation of disruption scenarios carried out by the ENTSO for Gas under Article 7 of Regulation (EU) 2017/1938, with the regional and national risk assessments and the non-binding Union -wide ten-year network development ~~plan~~plans (Union -wide network development ~~plan~~plans) referred to in Article 30(1), point (b), of Regulation (EU) 2019/943, Article 29 of [the recast Gas regulation as proposed in COM(2021)804] and Article 43 of [the recast Gas regulation as proposed in COM(2021)804] . If any doubt arises as to the consistency with the Union - wide network development plan, the regulatory authority shall consult ACER. The regulatory authority may require the transmission system operator to amend its ten-year network development plan.	consistent with the most recent Union wide simulation of disruption scenarios carried out by the ENTSO for Gas under Article 7 of Regulation (EU) 2017/1938, with the regional and national risk assessments and the non-binding Union -wide ten-year network development ~~plan~~plans (Union -wide network development ~~plan~~plans) referred to in Article 30(1), point (b), of Regulation (EU) 2019/943, <u>Article 29 of [the recast Gas regulation as proposed in COM(2021)804] and Article 43 of [the recast Gas regulation as proposed in COM(2021)804]</u>. If any doubt arises as to the consistency with the Union - wide network development plan, the regulatory authority shall consult ACER. The regulatory authority may require the transmission system operator to amend its ten-year network development plan. Email 10.11.2023 provisionally agreed

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>network development plan. The regulatory authority shall publish a decision, including a report, approving, amending or requiring the transmission system operator or the hydrogen transmission network operator to amend its ten-year network development plan to resolve any identified inconsistencies with paragraphs 1, 2 and 3.</i>		
	Article 51(5), second subparagraph			
623	The competent national authorities shall examine the consistency of the ten-year network development plan with the national energy and climate plan and its updates and with the integrated national energy climate reports submitted in accordance with Regulation (EU) 2018/1999.		The competent national authorities shall examine the consistency of the ten-year network development plan with the climate-neutrality objective set out in Article 2(1), of Regulation (EU) 2021/1119 , national energy and climate plan and its updates and with the integrated national energy climate reports submitted in accordance with Regulation (EU) 2018/1999 and, in case of inconsistency, may provide the regulatory authority a substantiated opinion setting out the inconsistency, to be taken duly into account.	The competent national authorities shall examine the consistency of the ten-year network development plan with the <u>climate-neutrality objective set out in Article 2(1), of Regulation (EU) 2021/1119</u> , national energy and climate plan and its updates and with the integrated national energy climate reports submitted in accordance with Regulation (EU) 2018/1999 <u>and, in case of inconsistency, may provide the regulatory authority a substantiated opinion setting out the inconsistency, to be taken duly into account.</u> Email 10.11.2023 provisionally agreed

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Article 51(6)				
624	6. The regulatory authority shall monitor and evaluate the implementation of the ten-year network development plan.	6. The regulatory authority shall monitor and evaluate the implementation of the ten-year network development plan. <i>Such monitoring and evaluation shall be made publicly available.</i>	6. The regulatory authority shall monitor and evaluate the implementation of the ten-year network development plan.	6. The regulatory authority shall monitor and evaluate the implementation of the ten-year network development plan. Email 10.11.2023 provisionally agreed Text Origin: Commission Proposal
Article 51(6a)				
624a		<i>6a. The regulatory authority shall take the examination of network development plan for hydrogen into account in its approval of dedicated charges within the meaning of Article 4 of [recast Gas Regulation as proposed in COM(2021)xxx].</i>		<i>6a. Deleted</i> Email 10.11.2023 provisionally agreed
Article 51(7), first subparagraph				
625	7. In circumstances where the independent system operator or independent transmission operator, other than for overriding reasons beyond its control, does not execute an investment, which, under the ten-year network	7. In circumstances where the independent system operator, <i>independent transmission operator or the hydrogen transmission network operator is unbundled in accordance with the rules applicable to the operator</i>	7. In circumstances where the independent system operator or independent transmission operator, other than for overriding reasons beyond its control, does not execute an investment, which, under the ten-year network	7. In circumstances where the independent system operator or independent transmission operator, <i>or the integrated hydrogen transmission network operator or independent hydrogen transmission network operator,</i>

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	development plan, was to be executed in the following three years, Member States shall ensure that the regulatory authority is required to take at least one of the following measures to ensure that the investment in question is made if such investment is still relevant on the basis of the most recent ten-year network development plan:	concerned , other than for overriding reasons beyond its control, does not execute an investment in accordance with paragraph 2, point (b) , which, under the ten-year network development plan, was to be executed in the following three years, Member States shall ensure that the regulatory authority is required to take at least one of the following measures to ensure that the investment in question is made if such investment is still relevant on the basis of the most recent ten-year network development plan:	development plan, was to be executed in the following three years, Member States shall ensure that the regulatory authority is required to take at least one of the following measures to ensure that the investment in question is made if such investment is still relevant on the basis of the most recent ten-year network development plan:	other than for overriding reasons beyond its control, does not execute an investment, which, under the ten-year network development plan, was to be executed in the following three years, Member States shall ensure that the regulatory authority is required to take at least one of the following measures to ensure that the investment in question is made if such investment is still relevant on the basis of the most recent ten-year network development plan: Email 10.11.2023 provisionally agreed
Article 51(7), first subparagraph, point (a)				
626	(a) to require the transmission system operator to execute the investments in question;	(a) to require the transmission system operator or the hydrogen transmission network operator to execute the investments in question;	(a) to require the transmission system operator to execute the investments in question;	(a) to require the transmission system operator <u>or the hydrogen transmission network operator</u> to execute the investments in question; Email 10.11.2023 provisionally agreed Text Origin: EP Mandate
Article 51(7), first subparagraph, point (b)				
627	(b) to organise a tender procedure	(b) to organise a tender procedure	(b) to organise a tender procedure	(b) to organise a tender procedure

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	open to any investors for the investment in question;	open to any investors for the investment in question;	open to any investors for the investment in question;	open to any investors for the investment in question; Text Origin: Commission Proposal
Article 51(7), first subparagraph, point (c)				
628	(c) to oblige the transmission system operator to accept a capital increase to finance the necessary investments and allow independent investors to participate in the capital.	(c) to oblige the transmission system operator or the hydrogen transmission network operator to accept a capital increase to finance the necessary investments and allow independent investors to participate in the capital. █	(c) to oblige the transmission system operator to accept a capital increase to finance the necessary investments and allow independent investors to participate in the capital.	(c) to oblige the transmission system operator <u>or the hydrogen transmission network operator</u> to accept a capital increase to finance the necessary investments and allow independent investors to participate in the capital. Email 10.11.2023 provisionally agreed Text Origin: EP Mandate
Article 51(7), second subparagraph				
629	Where the regulatory authority has made use of its powers under point (b) the first subparagraph, it may oblige the transmission system operator to agree to one or more of the following:	Where the regulatory authority has made use of its powers under point (b) the first subparagraph, it may oblige the transmission system operator or the hydrogen transmission network operator to agree to one or more of the following:	Where the regulatory authority has made use of its powers under point (b) the first subparagraph, it may oblige the transmission system operator to agree to one or more of the following:	Where the regulatory authority has made use of its powers under point (b) the first subparagraph, it may oblige the transmission system operator <u>or the hydrogen transmission network operator</u> to agree to one or more of the following: Email 10.11.2023 provisionally agreed

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				Text Origin: EP Mandate
Article 51(7), second subparagraph, point (a)				
630	(a) financing by any third party;	(a) financing by any third party;	(a) financing by any third party;	(a) financing by any third party; Text Origin: Commission Proposal
Article 51(7), second subparagraph, point (b)				
631	(b) construction by any third party;	(b) construction, <i>repurposing or decommissioning</i> by any third party;	(b) construction by any third party;	(b) construction, <u>repurposing or decommissioning</u> by any third party; Email 10.11.2023 provisionally agreed Text Origin: EP Mandate
Article 51(7), second subparagraph, point (c)				
632	(c) building the new assets concerned itself;	(c) building the new assets <i>or decommission or repurpose existing assets</i> concerned itself;	(c) building the new assets concerned itself;	(c) building the new assets concerned itself; Email 10.11.2023 provisionally agreed Text Origin: Commission Proposal
Article 51(7), second subparagraph, point (d)				
633	(d) operating the new assets	(d) operating the new assets	(d) operating the new assets	(d) operating the new assets

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	concerned itself.	concerned itself.	concerned itself.	concerned itself. Email 10.11.2023 provisionally agreed Text Origin: Commission Proposal
Article 51(7), third subparagraph				
634	The transmission system operator shall provide the investors with all information needed to realise the investment, shall connect new assets to the transmission network and shall generally make its best efforts to facilitate the implementation of the investment project.	The transmission system operator <i>or the hydrogen transmission network operator</i> shall provide the investors with all information needed to realise the investment, shall connect new assets to the transmission network and shall generally make its best efforts to facilitate the implementation of the investment project.	The transmission system operator shall provide the investors with all information needed to realise the investment, shall connect new assets to the transmission network and shall generally make its best efforts to facilitate the implementation of the investment project.	The transmission system operator <u>or the hydrogen transmission network operator</u> shall provide the investors with all information needed to realise the investment, shall connect new assets to the <u>transmission network or the hydrogen</u> transmission network and shall generally make its best efforts to facilitate the implementation of the investment project. Email 10.11.2023 provisionally agreed
Article 51(7), fourth subparagraph				
635	The relevant financial arrangements shall be subject to approval by the regulatory authority.	The relevant financial arrangements shall be subject to approval by the regulatory authority.	The relevant financial arrangements shall be subject to approval by the regulatory authority.	The relevant financial arrangements shall be subject to approval by the regulatory authority. Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 51(8)			
636	8. Where the regulatory authority has made use of its powers under paragraph 7, the relevant tariff regulations shall cover the costs of the investments in question.	8. Where the regulatory authority has made use of its powers under paragraph 7, the relevant tariff regulations shall cover the costs of the investments in question.	8. Where the regulatory authority has made use of its powers under paragraph 7, the relevant tariff regulations shall cover the costs of the investments in question.	8. Where the regulatory authority has made use of its powers under paragraph 7, the relevant tariff regulations shall cover the costs of the investments in question. Text Origin: Commission Proposal
	Article 51(8a)			
636a		<i>8a. Without prejudice to other consultation or transparency provisions laid down in Union law, including this Directive and Regulation [recast Gas Regulation as proposed in COM(2021)xxx], or national law, when engaging in stakeholder consultations referred to in paragraph 1, paragraph 2, point (e) and paragraph 4 of this Article, the transmission system operator, the hydrogen transmission network operator and the regulatory authority shall comply with the following:</i>		<u>8a. Deleted</u> Email 10.11.2023 provisionally agreed
	Article 51(8a), point (a)			

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G 636b		<i>(a) the consultations shall be effective and extensive and shall take place at an early stage prior to the development of the ten-year network development plan in an open, inclusive and transparent manner; the participation shall be voluntary and all relevant stakeholders shall be invited to participate, including the distribution system operator and hydrogen distribution network operator, associations involved in electricity, gas and hydrogen markets, heating and cooling, supply and production undertakings, independent aggregators, demand-response operators, organisations involved in energy efficiency solutions, energy consumer associations, civil society representatives, research organisations and universities, where appropriate;</i>		(a) Deleted Email 10.11.2023 provisionally agreed
Article 51(8a), point (b)				
G 636c		<i>(b) as a derogation from point (a), infrastructure operators, including LNG terminal operators, storage operators, hydrogen storage and terminal</i>		(b) Deleted Email 10.11.2023 provisionally agreed

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		<i>operators, distribution system operators, hydrogen distribution network operators as well as district heating infrastructure and electricity operators shall be required to provide and exchange all relevant information to the transmission system operators and the hydrogen transmission network operators required for developing the single plan; end-users in hard-to-decarbonise sectors with the highest greenhouse gas abatement potential per tonne of consumed hydrogen where no other more energy and cost efficient options are available shall be required to provide and exchange all relevant information to the hydrogen transmission network operators; their views shall be fully taken into account without prejudice to paragraphs 1, 2 and 3;</i>		
	Article 51(8a), point (c)			
636d		<i>(c) all official documents related to the consultations and documents used for development of the draft plan and the final plan shall be made public while taking into consideration</i>		(c) Deleted Email 10.11.2023 provisionally agreed

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		<i>commercially sensitive information and data protection;</i>		
Article 51(8a), point (d)				
636e		<i>(d) before the transmission system operator and the hydrogen transmission network operator submit the ten-year network development plan to the regulatory authority for approval, and in case the regulatory authority issues its decision approving or requiring amendments to the plan, the transmission system operator, the hydrogen transmission network operator as the case may be, shall be able to duly justify all instances where observations have not been taken into account, or have only partially been taken into account;</i>		(d) Deleted Email 10.11.2023 provisionally agreed
Article 51(8a), point (e)				
636f		<i>(e) to ensure early and effective participation, the transmission system operator shall publish its draft network development plan in a timely adequate manner prior to the submission to the regulatory authority, for comments by the</i>		(e) Deleted Email 10.11.2023 provisionally agreed

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		<i>stakeholders referred to in point (a).</i>		
Article 52				
637	Article 52 Hydrogen network development reporting	<i>deleted</i>	Article 52 Hydrogen network development reporting	Article 52 Hydrogen <u>distribution</u> network development ~~reporting~~ <u>plan</u> Email 10.11.2023 provisionally agreed
Article 52(1)				
638	1. Hydrogen network operators shall submit to the regulatory authority, at regular intervals as determined by that authority, an overview of the hydrogen network infrastructure they aim to develop. That overview shall in particular:	<i>deleted</i>	1. Hydrogen network operators shall submit to the regulatory authority, ~~at regular intervals as determined by that authority~~ every two years , an overview of the hydrogen network infrastructure they aim to develop. The first overview shall be submitted within six months of the certification of the hydrogen network operator pursuant to Article 65 of this Directive and Article 13 of [recast Gas Regulation as proposed in COM(2021) 804]], or within 12 months of receiving a derogation pursuant to Articles 47 or 48, whichever is earlier. For hydrogen network operators	1. Hydrogen <u>distribution</u> network operators shall submit to the regulatory authority, ~~at regular intervals as determined by that authority, an overview~~ <u>every 4 years a plan presenting the hydrogen network infrastructure they aim to develop. The plan shall be developed in close cooperation with distribution system operators for natural gas and electricity as well as district heating and cooling operators where applicable ensuring effective energy system integration taking the utmost account of their views. Member states may allow that hydrogen distribution network operators in accordance</u>

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			existing at the entry into force of this Directive, the first overview shall be submitted within six months of the entry into force of this Directive. That overview shall in particular:	<u>with this Article and distribution system operators in accordance with Article 52b that are active in the same region develop a joint plan.</u> <u>Member States allowing for one joint planning shall ensure that the plan is sufficiently transparent to clearly identify the specific needs of the gas sector and the specific needs of the hydrogen sector that the plan is addressing. Separate modelling shall be performed for the respective energy carriers if applicable and with separate chapters showing network infrastructure they aim to develop maps for natural gas and network maps for hydrogen.</u> <u>Member States in which separate plans for gas and hydrogen are developed shall ensure that distribution system operators and hydrogen distribution network operators cooperate closely where decisions need to be made to ensure system-efficiency across energy carriers, such as for repurposing.</u> <u>That plan</u> ~~That overview~~ shall in particular:

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Email 10.11.2023 provisionally agreed
	Article 52(1), point (a)			
639	(a) include information on capacity needs, both in volume and duration, as negotiated between network users and hydrogen network operators;	<i>deleted</i>	(a) include information on capacity needs, both in volume and duration, as negotiated between hydrogen network users and hydrogen network operators, as well as on the location of potential future hard-to-decarbonise end-users of the hydrogen network and hydrogen supply;	(a) include information on capacity needs, both in volume and duration, as negotiated between <u>hydrogen distribution</u> network users and hydrogen <u>distribution</u> network operators, <u>hydrogen supply as well as on capacity needs, both in volume and duration of existing and potential future hard-to-decarbonise end-users taking into account the greenhouse gas abatement potential and the energy and cost-efficiency in relation to other options and the location of those end-users with a view to target the use of renewable and low-carbon hydrogen those sectors; Email 10.11.2023 provisionally agreed</u>
	Article 52(1), point (ba)			
640a				<u>(ba) shall conduct a consultation process open to all relevant stakeholders when developing the plan in order to enable their early and effective participation in the</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u>planning process, including the provision and exchange of all relevant information.</u> Email 10.11.2023 provisionally agreed
Article 52(1), point (bb)				
640b				<u>(bb) be published on the hydrogen distribution network operator's website as well as with the outcome of the stakeholders consultation and submit the results of the consultation and the network development plan to the regulatory authority. The website shall be updated regularly so that all the relevant stakeholders have the required visibility to effectively participate in the consultation.</u> Email 10.11.2023 provisionally agreed
Article 52(1), point (c)				
641	(c) be in line with the integrated national energy and climate plan and its updates, and with the integrated national energy and climate reports submitted in accordance with Regulation (EU) 2018/1999 and support the climate-	deleted	(c) be in line with the integrated national energy and climate plan and its updates, and with the integrated national energy and climate reports submitted in accordance with Regulation (EU) 2018/1999 and support the climate-	(c) be in line with the integrated national energy and climate plan and its updates, and with the integrated national energy and climate reports submitted in accordance with Regulation (EU) 2018/1999 and support the climate-

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	neutrality objective set out in Article 2(1) of Regulation (EU) 2021/1119.		neutrality objective set out in Article 2(1) of Regulation (EU) 2021/1119.	neutrality objective set out in Article 2(1) of Regulation (EU) 2021/1119. Email 10.11.2023 provisionally agreed Text Origin: Commission Proposal
	Article 52(1), point (ca)			
G	641a			<u>(ca) be consistent with the Union-wide ten-year network development plan referred to in Article 43 of the Gas Regulation and the national network development plans developed in accordance with Article 51.</u> Email 10.11.2023 provisionally agreed
	Article 52(1), point (cb)			
G	641b		(ca) the information exchanged with hydrogen network operators in neighbouring Member States pursuant to paragraph 2.	<u>(cb) Deleted</u> Email 10.11.2023 provisionally agreed
	Article 52(2)			
G	642			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	2. Hydrogen storage and terminal operators shall provide and exchange all relevant information required for developing the overview with the hydrogen network operators. Hydrogen network operators shall exchange all relevant information required for developing the overview with other hydrogen network operators.	<i>deleted</i>	2. Hydrogen storage and hydrogen terminal operators shall provide and exchange all relevant information required for developing the overview with the hydrogen network operators. Hydrogen network operators shall exchange all relevant information required for developing the overview with other hydrogen network operators, including hydrogen network operators in neighbouring Member States .	2. Hydrogen ~~storage and terminal~~ <u>distribution network</u> operators shall ~~provide and~~ exchange all relevant information required for developing the ~~overview with the~~ <u>plan with other</u> hydrogen network operators ² . <u>including</u> hydrogen network operators ~~shall exchange all relevant information required for developing the overview with other hydrogen network operators in~~ <u>neighbouring Member States if there is a direct connection</u> . Email 10.11.2023 provisionally agreed
Article 52(4)				
644	4. The regulatory authority shall take the examination of the overview into account in its approval of dedicated charges within the meaning of Article 4 of [recast Gas Regulation as proposed in COM(2021)xxx].	<i>deleted</i>	4. The regulatory authority shall take the examination of the overview into account in its approval of dedicated charges within the meaning of Article 4 of [recast Gas Regulation as proposed in COM(2021)xxx 804].	4. The regulatory authority shall take the examination of the ~~overview~~ <u>plan</u> into account in its approval of dedicated charges within the meaning of Article 4 of [recast Gas Regulation as proposed in ~~COM(2021)xxx~~ <u>COM(2021)804</u>]. Email 10.11.2023 provisionally agreed
Article 52(5)				
645	5. Hydrogen network operators		5. Hydrogen network operators	5. ~~Hydrogen network operators~~

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	shall publish on a regular basis a joint report on the development of the hydrogen system based on the overview submitted to the regulatory authority. They shall take the examination of the regulatory authority under paragraph 3 into account.	<i>deleted</i>	shall publish ~~every two years on a regular basis~~ a joint report on the development of the hydrogen system based on the overview submitted to the regulatory authority. They shall take the examination and recommendations of the regulatory authority under paragraph 3 into account. The regulatory authority may provide an opinion on the report.	~~shall publish on a regular basis a joint report on the development of the hydrogen system based on the overview submitted to the regulatory authority. They shall take the examination of the regulatory authority under paragraph 3 into account.~~ Deleted Email 10.11.2023 provisionally agreed
Article 52(5a)				
645a			5a. Until 31 January 2035, and without prejudice to the powers of the regulatory authority to supervise grid access rules, Member States may task another competent authority to examine the overview and to make recommendations for amendments to the overview by the hydrogen network operator to ensure consistency with the integrated national energy and climate plans and its updates.	<u>5a. Until 31 January [203X], and without prejudice to the powers of the regulatory authority to supervise grid access rules, Member States may task another competent authority to examine the overview and to make recommendations for amendments to the overview by the hydrogen distribution network operator to ensure consistency with the integrated national energy and climate plans and its updates. To address concerns from PCY on the competence at regional/distribution level for the NRA, this phasing could be taken out. Should be kept and should be</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u>aligned with the transitional period when we have a decision on the date.</u> Email 10.11.2023 provisionally agreed, should be aligned with the transitional period when we have a decision on the date.
Article 52(6)				
646	6. Member States may decide to apply the requirements pursuant to Article 51 to hydrogen network operators.	<i>deleted</i>	6. Where Member States ~~may decide to~~ apply a system of regulated third party access to hydrogen networks in accordance with paragraph 1 of Article 31, Member States shall apply the requirements pursuant to Article 51 to hydrogen network operators with the exception of those requirements related to Regulation (EU) 2017/1938. Where this is the case, the regulatory authority shall also examine whether the ten-year network development plan submitted by hydrogen network operators is consistent with the Union-wide ten-year network development plan for hydrogen referred to in Article 43 of the [recast Gas Regulation].	6. ~~Member States may decide to apply the requirements pursuant to Article 51 to hydrogen network operators.~~ <u>Deleted</u> Email 10.11.2023 Provisionally agreed

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 52(6a)			
G 646a			7. Instead of applying this Article, Member States may decide to apply the requirements set out in Article 51 to hydrogen network operators as of [the entry into force of this Directive].	<u>6a. Instead of applying this Article, Member States may decide to apply the requirements set out in Article 51 to hydrogen distribution network operators as of [the entry into force of this Directive].</u> Email 10.11.2023 Provisionally agreed
	Article 52a			
G 646b		<i>Article 52a</i> <i>Local heating and cooling plans</i>		<u>Article 52a Deleted</u>
	Article 52a(1)			
G 646c		<i>1. Member States shall ensure that their regional and local authorities prepare local heating and cooling plans at least in municipalities having a total population of at least 35 000. Member States shall encourage municipalities with a lower population to prepare such plans. Those plans shall complement the comprehensive heating and cooling assessment in accordance with Article 23(1) of Directive</i>		<u>Deleted</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>(EU) .../.... Each Members State shall complement the comprehensive heating and cooling assessment with a national strategy aiming to reduce the use of gas for the heating and cooling of buildings on distribution level in line with the integrated national energy and climate plan and its updates, with the integrated national energy climate reports and long-term strategies submitted in accordance with Regulation (EU) 2018/1999 and taking into account the availability of more energy and cost-efficient alternatives in accordance with the comprehensive heating and cooling assessment.</i>		
	Article 52a(2)			
G	646d	<i>2. The local heating and cooling plans referred to in paragraph 1 shall at least:</i>		<u>Deleted</u>
	Article 52a(2), point (a)			
G	646e	<i>(a) be built upon the local heating and cooling plans referred to in Article 23(6) of Directive (EU)</i>		<u>Deleted</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		.../...+;		
	Article 52a(2), point (b)			
G 646f		<i>(b) represent the result of a thorough assessment of a specific area's current and future demand for heating and cooling, including the energy demand of final customers in industry, SMEs, buildings and transport, and analyse the potential of decarbonisation by taking into account local and regional renewable energy sources, including non-gas renewable energy sources and the potential of biomethane based on the regional maps referred to in Article 17a(1) of Regulation [recast Gas Regulation as proposed in COM(2021)xxx], energy savings and energy efficiency measures as well as the potential of system efficiency through sector integration and the capacity for seasonal storage at local or regional level;</i>		<u>Deleted</u>
	Article 52a(2), point (c)			
G 646g		<i>(c) be in line with the national</i>		<u>Deleted</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>building renovation plan referred to in Article 3 of Directive (EU) .../... , the integrated multilevel mapping and planning and Go-to areas in accordance with Article 15b of Directive (EU) 2018/2001 [amended RED] as well as the joint scenario framework as referred to in Article 51(2), point (e) of this Directive;</i>		
	Article 52a(2), point (d)			
G	646h	<i>(d) take into account the national strategy referred to in paragraph 1;</i>		<u>Deleted</u>
	Article 52a(2), point (e)			
G	646i	<i>(e) include a strategy that fully considers the strategy referred to in Article 23(6), point (b), of Directive (EU) .../.. and is based on points (a) to (d) of this paragraph, which establishes requirements for the infrastructure necessary on distribution level, including decommissioning and repurposing, to meet the current and future demand for heating and cooling of a specific area in</i>		<u>Deleted</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>the most energy and cost-efficient way and in consistency with the ten-year network development plan developed under Article 5 and implements the priority use of the most energy and cost-efficient sustainable technology in a specific residential area taking into account the building stock, including the potential of high efficiency district heating expansion contributing to emissions reduction from existing buildings;</i>		
	Article 52a(2), point (f)			
646j		<i>(f) create a reliable timeframe and investment-friendly environment for private and public actors to meet a specific area's heating and cooling needs, including the decommissioning and repurposing of assets, based on that strategy referred to in point (g);</i>		<u>Deleted</u>
	Article 52a(2), point (g)			
646k		<i>(g) include a trajectory to achieve the goals of the plans in line with climate neutrality and the</i>		<u>Deleted</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>monitoring of the progress of implementation of policies and measures identified;</i>		
	Article 52a(2), point (h)			
G 646l		<i>(h) be prepared with the involvement of all relevant infrastructure operators on distribution level, of at least gas, including hydrogen, electricity and district heating, as well as all relevant regional or local stakeholders and ensure the participation of the public.</i>		<u>Deleted</u>
	Article 52a(3), first subparagraph			
G 646m		<i>3. Member States shall ensure that all relevant parties, including public and relevant private stakeholders, are given the opportunity to participate in the preparation of local heating and cooling plans, the policies and measures. Member States shall ensure that final customers are fully informed about mandatory fuel switches and alternatives in accordance with Article 11a.</i>		<u>3. Deleted</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 52a(3), second subparagraph			
G	646n	<i>For that purpose, Member States shall develop recommendations supporting the regional and local authorities to implement policies and measures in renewable energy based heating and cooling at regional and local levels using the potential identified. Member States shall support regional and local authorities to the utmost extent possible by any means including financial support and technical support schemes.</i>		<i>Deleted</i>
	Article 52a(4)			
G	646o	<i>4. Local heating and cooling plans may be implemented jointly by a group of several neighbouring local authorities provided that the geographical and administrative context as well as the heating and cooling infrastructure is appropriate.</i>		<i>Deleted</i>
	Article 52a(5)			
G	646p	<i>5. The implementation of local heating and cooling plans shall be</i>		<i>Deleted</i>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>verified and assessed by a competent authority. Where implementation is considered to be insufficient, on the basis of the trajectory and the monitoring pursuant to paragraph 2, point (g), the competent authority shall propose measures to close the implementation gap.</i>		
	Article 52a			
G 646q		<i>Article 52b Distribution network development plans</i>		<u>Article 52a</u> <u>Network decommissioning plans for natural gas distribution system operators</u> Email 10.11.2023 provisionally agreed
	Article 52a(1)			
G 646r		<i>1. All distribution system operators or hydrogen distribution network operators shall submit a distribution network development plan to the regulatory authority for approval at least every four years in due time for being considered in the drafting of the ten-year network development plans referred to in Article 51. The distribution network</i>		<u>1. Member States shall ensure that distribution system operators develop network decommissioning plans when a reduction in gas demand requiring the decommissioning of natural gas distribution networks or parts of such networks is expected. Such plans shall be developed in close cooperation with hydrogen distribution network operators,</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>development plan shall set out the planned investments for the next five-to-ten years, including main distribution infrastructure which is required to transport renewable gas from new production facilities, as well as the infrastructure which will be decommissioned and repurposed. Distribution system operators and hydrogen distribution network operators that are active in the same regional area may opt to develop one single joint network development plan. Distribution network development plans shall:</i>		<u><i>distribution system operators for electricity, and district heating and cooling operators, ensuring effective energy system integration and reflecting the reduced use of gas for the heating and cooling of buildings where more energy and cost efficient alternatives are available.</i></u> <u><i>Member states may allow that distribution system operators in accordance with this Article and hydrogen distribution network operators in accordance with Article 52 that are active in the same region develop a joint plan if parts of the natural gas infrastructure will be repurposed. Member States allowing for one joint plan shall ensure that the plan is sufficiently transparent to clearly identify the specific needs of the gas sector and the specific needs of the hydrogen sector that the plan is addressing. Separate modelling shall be performed if applicable for the respective energy carriers and with separate chapters showing network maps for natural gas and network maps for hydrogen.</i></u> <u><i>Member States in which separate</i></u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u>plans for gas and hydrogen are developed shall ensure that distribution system operators and hydrogen distribution network operators cooperate closely where decisions need to be made to ensure system-efficiency across energy carriers, such as for repurposing.</u> Email 10.11.2023 provisionally agreed
	Article 52a(1), point (a)			
646s		<i>(a) be aligned with the Member State's integrated national energy and climate plan, national energy and climate report and long-term strategy submitted under Regulation (EU) 2018/1999, and contribute to the achievement of regional and national climate and energy targets for 2030 and 2050;</i>		<u>Deleted</u> Email 10.11.2023 provisionally agreed
	Article 52a(1), point (b)			
646t		<i>(b) be based on relevant strategies referred to in Article 52a(2), point (c) that establish requirements for the infrastructure on distribution level, including parts that may require decommissioning, aiming</i>		<u>Deleted</u> Email 10.11.2023 provisionally agreed

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>to reduce the use of gas in buildings in case more energy and cost-efficient sustainable technologies are available;</i>		
	Article 52a(1), point (c)			
646u		<i>(c) be based on reasonable assumptions about the evolution of production, injection, supply and consumption of gas while taking into account the relevant strategies of the local authorities for the heating and cooling of new residential areas as well as requests from final customers to switch fuels;</i>		<u>Deleted</u> Email 10.11.2023 provisionally agreed
	Article 52a(1), point (d)			
646v		<i>(d) be consistent with the ten-year network development plan referred to in Article 51;</i>		<u>Deleted</u> Email 10.11.2023 provisionally agreed
	Article 52a(1), point (e)			
646w		<i>(e) promote priority use of renewable gas and low-carbon gas in hard-to-decarbonise sectors where no other more energy and cost efficient options are</i>		<u>Deleted</u> Email 10.11.2023 provisionally agreed

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		available;		
Article 52a(1), point (f)				
646x		<i>(f) contain all investments, including demand-side solutions not requiring new infrastructure investments, energy storage facilities or other available energy system resources as an alternative to system expansion where doing so is more efficient as well as grid reinforcement for the injection of biomethane; and</i>		<u>Deleted</u> Email 10.11.2023 provisionally agreed
Article 52a(1), point (g)				
646y		<i>(g) include information on infrastructure that could be decommissioned, where alternatives are available, or repurposed for the transport of hydrogen, including to rapidly deliver hydrogen to end-users in hard-to-decarbonise sectors, which have the highest greenhouse gas emissions abatement potential per tonne of consumed hydrogen and where no other more energy and cost efficient options are available.</i>		<u>Deleted</u> Email 10.11.2023 provisionally agreed

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 52a(2)				
646z		<i>2. The distribution system operator or the hydrogen distribution network operator shall conduct a public consultation on the draft distribution network development plan. The participation is voluntary and all relevant stakeholders shall be invited, including the transmission system operator and hydrogen transmission system operator, as well as district heating infrastructure and electricity operators, associations involved in electricity, gas and hydrogen markets, heating and cooling, supply and production undertakings, independent aggregators, demand-response operators, organisations involved in energy efficiency solutions, industrial end-users, energy consumer associations, civil society representatives, research organisations and universities, where appropriate. To ensure early and effective participation, the distribution system operator or the hydrogen distribution network operator shall publish a draft of</i>	<i>2. The distribution network decommissioning plans shall at least comply with the following principles:</i> Email 10.11.2023 provisionally agreed	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>the network development plan in advance for comments.</i>		
	Article 52a(2), point (a)			
G 646aa				<u>(a) They shall be based on the heating and cooling plans developed in accordance with Art. 25(6) of the Energy Efficiency Directive (EU) .../... and duly take in to account the demand of sectors that are not covered by the heating and cooling plans.</u> Email 10.11.2023 provisionally agreed
	Article 52a(2), point (b)			
G 646ab				<u>(b) They shall be based on reasonable assumptions about the evolution of production, injection and supply of natural gas, including biomethane, on the one hand and the consumption of natural gas in all sectors at distribution level on the other.</u> Email 10.11.2023 provisionally agreed
	Article 52a(2), point (c)			
G 646ac				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u>(c) Distribution system operators shall identify required infrastructure adaptations, whilst demand-side solutions not requiring new infrastructure investments shall be prioritised. The network decommissioning plans shall list infrastructure that is to be decommissioned, also creating transparency with regard to the possible repurposing of such infrastructure for the transport of hydrogen.</u> Email 10.11.2023 provisionally agreed
Article 52a(2), point (d)				
646ad				<u>(d) Distribution system operators shall conduct a consultation process open to all relevant stakeholders when developing the plan in order to enable their early and effective participation in the planning process, including the provision and exchange of all relevant information. The results of the consultation and the network decommissioning plan shall be submitted to the relevant national authority.</u> Email 10.11.2023 provisionally agreed

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 52a(2), point (e)			
646ae				<u>(e) The network decommissioning plan shall be published on the distribution system operator website as well as the outcome of the stakeholders consultation. The website shall be updated regularly so that all the relevant stakeholders have the required visibility to effectively participate in the consultation .</u> Email 10.11.2023 provisionally agreed
	Article 52a(2), point (f)			
646af				<u>(f) The network decommissioning plans shall be updated at least every four years based on the latest projections for gas demand and supply in the relevant region. The plans shall cover a ten-year period.</u> Email 10.11.2023 provisionally agreed
	Article 52a(2), point (g)			
646ag				<u>(g) Distribution system operators</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u>that are active in the same regional area may opt to develop one single joint network decommissioning plan.</u> Email 10.11.2023 provisionally agreed
Article 52a(2), point (h)				
646ah				<u>(h) The network decommissioning plans shall be consistent with the Union-wide ten-year network development plan referred to in Article 29 of the Gas Regulation and the national network development plans developed in accordance with Article 51.</u> Email 10.11.2023 provisionally agreed
Article 52a(2), point (i)				
646ai				<u>(i) The plan shall be consistent with the Member State's integrated national energy and climate plan, national energy and climate report and long-term strategy submitted under Regulation (EU) 2018/1999 and support the climate-neutrality objective set out in Article 2(1) of</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u>Regulation (EU) 2021/1119</u> Email 10.11.2023 provisionally agreed
	Article 52a(3)			
G 646aj		<i>3. The distribution system operator or the hydrogen distribution network operator shall make public the results of the consultation processes together with the draft distribution network development plan.</i>		<u>3. Relevant national authorities shall assess whether the network decommissioning plans comply with the principles above. They shall approve or reject the distribution network plan and may require amendments to the plan.</u> Email 10.11.2023 provisionally agreed
	Article 52a(4)			
G 646ak		<i>4. The regulatory authority shall approve or reject the distribution network plan and may require amendments to the plan, based on its consistency or inconsistency with the requirements of paragraph 1, before making a decision to approve or reject the plan.</i>		<u>4. The development of the network decommissioning plans shall facilitate the protection of final customers in accordance with Article 11a as well as taking into account rights pursuant to Article 34(4) and 34(5).</u> Email 10.11.2023 provisionally agreed
	Article 52a(5)			
G 646al		<i>5. However, Member States may</i>		<u>5. Member States may decide not</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>decide not to apply the obligations set out in paragraphs 1 to 4 to distribution system operator which serve less than 35 000 connected customers by ... [the date of entry into force of this Directive].</i>		<u><i>to apply the obligations set out in paragraphs 1 to 4 to distribution system operator which serve less than 45 000 connected customers by ... [the date of entry into force of this Directive].</i></u> Email 10.11.2023 provisionally agreed
Article 52a(6)				
646am		<i>6. Where the strategy referred to in Article 52a(2), point (e), or the distribution network development plan developed under this Article identifies that parts of the distribution system may require decommissioning, in particular before the end of their originally projected useful lifecycle, and will not be repurposed for the transport of hydrogen, Member States shall ensure regulatory guidance from the regulatory authorities and financial support for distribution system operators. Support measures shall take into account security of supply, the affordability of network tariffs and environmental requirements. Complementary, the distribution system operator shall propose interventions to the regulatory</i>		<u><i>6. Where parts of the natural gas distribution network may require decommissioning before their originally projected lifecycle, the regulatory authority shall set up guidelines for a structural approach to the depreciation of such assets and tariff setting in accordance with Article 72(7). When developing such guidelines regulatory authorities shall consult relevant stakeholders, notably distribution system operators and consumer organisations.</i></u> Email 10.11.2023 provisionally agreed

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>authority to equitably allocate the efficient costs of the assets over their remaining lifecycle until they are decommissioned. To that end, the regulatory authority may in coordination with the distribution system operator set up guidelines for a structural approach to the depreciation of assets. Such interventions could include, for example, adjusting the depreciation profile or timeline of the assets. The regulatory authority in coordination with the distribution system operator shall decide whether such assets should be decommissioned before the end of their originally projected useful lifecycle and, if so, whether any of the interventions proposed by the distribution system operator, or any alternative interventions, shall be implemented to equitably allocate the efficient costs of the assets over their remaining lifecycle until decommissioning. The repurposing of assets for the transport of hydrogen in accordance with paragraph 2, point (g), shall be taken into account. The distribution system operator shall implement the interventions decided by the</i>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>regulatory authority.</i>		
Article 53				
647	Article 53 Financing cross-border hydrogen infrastructure	Article 53 Financing cross-border hydrogen infrastructure	Article 53 Financing cross-border hydrogen infrastructure	Article 53 Financing cross-border hydrogen infrastructure Text Origin: Commission Proposal
Article 53(-1)				
647a		<i>-1. Without prejudice to Article 4 of Regulation [recast Gas Regulation as proposed in COM(2021)xxx], there shall be no cross-subsidisation between current gas grid users and the users of the future hydrogen network.</i>		<i>-1. Deleted</i> 21.11.2023 Provisionally agreed
Article 53(1)				
648	1. Where Member States apply a system of regulated third party access to hydrogen networks pursuant to Article 31, paragraph 1 and where a hydrogen interconnector project is included in the EU-wide ten-year network	1. Where Member States apply a system of regulated third party access to hydrogen networks pursuant to Article 31, paragraph 1 and where a hydrogen interconnector project is included in the EU-wide ten-year network	1. Where Member States apply a system of regulated third party access to hydrogen networks pursuant to Article 31, paragraph 1 and where a hydrogen interconnector project is included in the EU-wide ten-year network	1. Where Member States apply a system of regulated third party access to hydrogen networks pursuant to Article 31, paragraph 1 and where a hydrogen interconnector project is <i>included</i> in the EU-wide ten-year network

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	development plan as referred to in Article 29 or Article 43 of [recast Gas Regulation as proposed in COM(2021)xxx] and is not a project of common interest as referred to in [Chapter II and Annex I point 3 of Regulation xxx on Guidelines for trans-European energy infrastructure], adjacent and affected hydrogen network operators shall design a project plan, including a request for cross-border cost allocation, and submit it jointly to the concerned regulatory authorities for a joint approval.	development plan as referred to in Article 29 of [recast Gas Regulation as proposed in COM(2021)xxx] and is not a project of common interest as referred to in [Chapter II and Annex I point 3 of Regulation xxx on Guidelines for trans-European energy infrastructure], adjacent and affected hydrogen network operators shall design a project plan, including a request for cross-border cost allocation, and submit it jointly to the concerned regulatory authorities for a joint approval.	development plan as referred to in Article 29 or Article 43 of [recast Gas Regulation as proposed in COM(2021)xxx] and is not a project of common interest as referred to in [Chapter II and Annex I point 3 of Regulation xxx on Guidelines for trans-European energy infrastructure], adjacent and affected hydrogen network operators shall bear the costs of the project and may include them within their respective tariff systems. If they identify a substantial gap between benefits and costs, they may design a project plan, including a request for cross-border cost allocation, and submit it jointly to the concerned regulatory authorities for a joint approval.	~~development plan as referred to in Article 29 or Article 43 of [recast Gas Regulation as proposed in COM(2021)xxx] and is not a project of common interest as referred to in [Chapter II and Annex I point 3 of Regulation xxx on Guidelines for trans-European energy infrastructure], adjacent and affected hydrogen network operators shall~~ <u>transmission network operators shall bear the costs of the project and may include them within their respective tariff systems, subject to approval by the regulatory authority. If the hydrogen</u> <u>transmission network operators identify a substantial gap between benefits and costs, they may</u> design a project plan, including a request for cross-border cost allocation, and submit it jointly to the concerned regulatory authorities for a joint approval. 21.11.2023 - provisionally agreed Text Origin: Council Mandate
Article 53(1a)				
G	648a		2. Where hydrogen network operators submit a project plan	<u>2. Where hydrogen transmission network operators submit a</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			as set out in paragraph 1 of this Article, the following shall apply:	<u>project plan as set out in paragraph 1 of this Article, the following shall apply:</u> 21.11.2023 Provisionally agreed Text Origin: Council Mandate
Article 53(2)				
649	2. The project plan and request for cross-border cost allocation shall be accompanied by a project-specific cost-benefit analysis, taking into account benefits beyond the borders of Member States concerned, and by a business plan evaluating the financial viability of the project, which shall include a financing solution and specify whether the hydrogen network operators involved agree on a substantiated proposal for a cross-border cost allocation.	2. The project plan and request for cross-border cost allocation shall be accompanied by a project-specific cost-benefit analysis, taking into account benefits beyond the borders of Member States concerned, and by a business plan evaluating the financial viability of the project, which shall include a financing solution and specify whether the hydrogen network operators involved agree on a substantiated proposal for a cross-border cost allocation.	2a. The project plan and request for cross-border cost allocation shall be accompanied by a project-specific cost-benefit analysis, taking into account benefits beyond the borders of Member States concerned, and by a business plan evaluating the financial viability of the project, which shall include a financing solution and specify whether the hydrogen network operators involved agree on a substantiated proposal for a cross-border cost allocation.	2. The project plan and request for cross-border cost allocation shall be accompanied by a project-specific cost-benefit analysis, taking into account benefits beyond the borders of Member States concerned, and by a business plan evaluating the financial viability of the project, which shall include a financing solution and specify whether the hydrogen <u>transmission</u> network operators involved agree on a substantiated proposal for a cross-border cost allocation. 21.11.2023 Provisionally agreed Text Origin: Commission Proposal
Chapter IX				
657	Chapter IX	Chapter IX	Chapter IX	Chapter IX

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Unbundling of transmission system operators	Unbundling of transmission system operators	-Unbundling of transmission system operators	Unbundling of transmission system operators Text Origin: Commission Proposal
Section 1				
658	Section 1 ownership unbundling	Section 1 ownership unbundling	Section 1 -ownership unbundling	Section 1 ownership unbundling Text Origin: Commission Proposal
Article 54				
659	Article 54 Unbundling of transmission systems and transmission system operators	Article 54 Unbundling of transmission systems and transmission system operators	Article 54 Unbundling of transmission systems and transmission system operators	Article 54 Unbundling of transmission systems and transmission system operators Text Origin: Commission Proposal
Article 54(1)				
660	1. Member States shall ensure that:	1. Member States shall ensure that:	1. Member States shall ensure that:	1. Member States shall ensure that: Text Origin: Commission Proposal
Article 54(1), point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
661	(a) each undertaking which owns a transmission system acts as a transmission system operator;	(a) each undertaking which owns a transmission system acts as a transmission system operator;	(a) each undertaking which owns a transmission system acts as a transmission system operator;	(a) each undertaking which owns a transmission system acts as a transmission system operator; Text Origin: Commission Proposal
Article 54(1), point (b)				
662	(b) the same person or persons are entitled neither:	(b) the same person or persons are entitled neither:	(b) the same person or persons are entitled neither:	(b) the same person or persons are entitled neither: Text Origin: Commission Proposal
Article 54(1), point (b)(i)				
663	(i) directly or indirectly to exercise control over an undertaking performing any of the functions of production or supply, and directly or indirectly to exercise control or exercise any right over a transmission system operator or over a transmission system; nor	(i) directly or indirectly to exercise control over an undertaking performing any of the functions of production or supply, and directly or indirectly to exercise control or exercise any right over a transmission system operator or over a transmission system; nor	(i) directly or indirectly to exercise control over an undertaking performing any of the functions of production or supply, and directly or indirectly to exercise control or exercise any right over a transmission system operator or over a transmission system; nor	(i) directly or indirectly to exercise control over an undertaking performing any of the functions of production or supply, and directly or indirectly to exercise control or exercise any right over a transmission system operator or over a transmission system; nor Text Origin: Commission Proposal
Article 54(1), point (b)(ii)				
664				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(ii) directly or indirectly to exercise control over a transmission system operator or over a transmission system, and directly or indirectly to exercise control or exercise any right over an undertaking performing any of the functions of production or supply;	(ii) directly or indirectly to exercise control over a transmission system operator or over a transmission system, and directly or indirectly to exercise control or exercise any right over an undertaking performing any of the functions of production or supply;	(ii) directly or indirectly to exercise control over a transmission system operator or over a transmission system, and directly or indirectly to exercise control or exercise any right over an undertaking performing any of the functions of production or supply;	(ii) directly or indirectly to exercise control over a transmission system operator or over a transmission system, and directly or indirectly to exercise control or exercise any right over an undertaking performing any of the functions of production or supply; Text Origin: Commission Proposal
Article 54(1), point (c)				
665	(c) the same person or persons are not entitled to appoint members of the supervisory board, the administrative board or bodies legally representing the undertaking, of a transmission system operator or a transmission system, and directly or indirectly to exercise control or exercise any right over an undertaking performing any of the functions of production or supply;	(c) the same person or persons are not entitled to appoint members of the supervisory board, the administrative board or bodies legally representing the undertaking, of a transmission system operator or a transmission system, and directly or indirectly to exercise control or exercise any right over an undertaking performing any of the functions of production or supply;	(c) the same person or persons are not entitled to appoint members of the supervisory board, the administrative board or bodies legally representing the undertaking, of a transmission system operator or a transmission system, and directly or indirectly to exercise control or exercise any right over an undertaking performing any of the functions of production or supply;	(c) the same person or persons are not entitled to appoint members of the supervisory board, the administrative board or bodies legally representing the undertaking, of a transmission system operator or a transmission system, and directly or indirectly to exercise control or exercise any right over an undertaking performing any of the functions of production or supply; Text Origin: Commission Proposal
Article 54(1), point (d)				
666				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(d) the same person is not entitled to be a member of the supervisory board, the administrative board or bodies legally representing the undertaking, of both an undertaking performing any of the functions of production or supply and a transmission system operator or a transmission system.	(d) the same person is not entitled to be a member of the supervisory board, the administrative board or bodies legally representing the undertaking, of both an undertaking performing any of the functions of production or supply and a transmission system operator or a transmission system.	(d) the same person is not entitled to be a member of the supervisory board, the administrative board or bodies legally representing the undertaking, of both an undertaking performing any of the functions of production or supply and a transmission system operator or a transmission system.	(d) the same person is not entitled to be a member of the supervisory board, the administrative board or bodies legally representing the undertaking, of both an undertaking performing any of the functions of production or supply and a transmission system operator or a transmission system. Text Origin: Commission Proposal
Article 54(2)				
667	2. The rights referred to in paragraph 1, points (b) and (c), shall include, in particular:	2. The rights referred to in paragraph 1, points (b) and (c), shall include, in particular:	2. The rights referred to in paragraph 1, points (b) and (c), shall include, in particular:	2. The rights referred to in paragraph 1, points (b) and (c), shall include, in particular: Text Origin: Commission Proposal
Article 54(2), point (a)				
668	(a) the power to exercise voting rights;	(a) the power to exercise voting rights;	(a) the power to exercise voting rights;	(a) the power to exercise voting rights; Text Origin: Commission Proposal
Article 54(2), point (b)				
669				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(b) the power to appoint members of the supervisory board, the administrative board or bodies legally representing the undertaking; or	(b) the power to appoint members of the supervisory board, the administrative board or bodies legally representing the undertaking; or	(b) the power to appoint members of the supervisory board, the administrative board or bodies legally representing the undertaking; or	(b) the power to appoint members of the supervisory board, the administrative board or bodies legally representing the undertaking; or Text Origin: Commission Proposal
Article 54(2), point (c)				
670	(c) the holding of a majority share.	(c) the holding of a majority share.	(c) the holding of a majority share.	(c) the holding of a majority share. Text Origin: Commission Proposal
Article 54(3)				
671	3. For the purpose of paragraph 1, point (b), the term ‘undertaking performing any of the functions of production or supply’ shall be understood as including ‘undertaking performing any of the functions of generation or supply’ within the meaning of Directive (EU) 2019/944 of the European Parliament and of the Council ¹ , and the terms ‘transmission system operator’ and ‘transmission system’ shall be understood as including ‘transmission system operator’ and ‘transmission	3. For the purpose of paragraph 1, point (b), the term ‘undertaking performing any of the functions of production or supply’ shall be understood as including ‘undertaking performing any of the functions of generation or supply’ within the meaning of Directive (EU) 2019/944 of the European Parliament and of the Council ¹ , and the terms ‘transmission system operator’ and ‘transmission system’ shall be understood as including ‘transmission system operator’ and ‘transmission	3. For the purpose of paragraph 1, point (b), the term ‘undertaking performing any of the functions of production or supply’ shall be understood as including ‘undertaking performing any of the functions of generation or supply’ within the meaning of Directive (EU) 2019/944 of the European Parliament and of the Council ¹ , and the terms ‘transmission system operator’ and ‘transmission system’ shall be understood as including ‘transmission system operator’ and ‘transmission	3. For the purpose of paragraph 1, point (b), the term ‘undertaking performing any of the functions of production or supply’ shall be understood as including ‘undertaking performing any of the functions of generation or supply’ within the meaning of Directive (EU) 2019/944 of the European Parliament and of the Council ¹ , and the terms ‘transmission system operator’ and ‘transmission system’ shall be understood as including ‘transmission system operator’ and ‘transmission

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	system' within the meaning of that Directive. 1. Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (OJ L 158, 14.6.2019, p. 125).	system' within the meaning of that Directive. 1. Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (OJ L 158, 14.6.2019, p. 125).	system' within the meaning of that Directive. 1. Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (OJ L 158, 14.6.2019, p. 125).	system' within the meaning of that Directive. 1. Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (OJ L 158, 14.6.2019, p. 125). Text Origin: Commission Proposal
Article 54(4)				
672	4. The obligation set out in paragraph 1, point (a), of this Article shall be deemed to be fulfilled in a situation where two or more undertakings which own transmission systems have created a joint venture which acts as a transmission system operator in two or more Member States for the transmission systems concerned. No other undertaking may be part of the joint venture, unless it has been approved under Article 55 as an independent system operator or as an independent transmission operator for the purposes of Section 3.	4. The obligation set out in paragraph 1, point (a), of this Article shall be deemed to be fulfilled in a situation where two or more undertakings which own transmission systems have created a joint venture which acts as a transmission system operator in two or more Member States for the transmission systems concerned. No other undertaking may be part of the joint venture, unless it has been approved under Article 55 as an independent system operator or as an independent transmission operator for the purposes of Section 3.	4. The obligation set out in paragraph 1, point (a), of this Article shall be deemed to be fulfilled in a situation where two or more undertakings which own transmission systems have created a joint venture which acts as a transmission system operator in two or more Member States for the transmission systems concerned. No other undertaking may be part of the joint venture, unless it has been approved under Article 55 as an independent system operator or as an independent transmission operator for the purposes of Section 3.	4. The obligation set out in paragraph 1, point (a), of this Article shall be deemed to be fulfilled in a situation where two or more undertakings which own transmission systems have created a joint venture which acts as a transmission system operator in two or more Member States for the transmission systems concerned. No other undertaking may be part of the joint venture, unless it has been approved under Article 55 as an independent system operator or as an independent transmission operator for the purposes of Section 3. Text Origin: Commission Proposal

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	Article 54(5)			
673	5. For the implementation of this Article, where the person referred to in points (b), (c) and (d) of paragraph 1 is the Member State or another public body, two separate public bodies exercising control over a transmission system operator or over a transmission system on the one hand, and over an undertaking performing any of the functions of production or supply on the other, shall be deemed not to be the same person or persons.	5. For the implementation of this Article, where the person referred to in points (b), (c) and (d) of paragraph 1 is the Member State or another public body, two separate public bodies exercising control over a transmission system operator or over a transmission system on the one hand, and over an undertaking performing any of the functions of production or supply on the other, shall be deemed not to be the same person or persons.	5. For the implementation of this Article, where the person referred to in points (b), (c) and (d) of paragraph 1 is the Member State or another public body, two separate public bodies exercising control over a transmission system operator or over a transmission system on the one hand, and over an undertaking performing any of the functions of production or supply on the other, shall be deemed not to be the same person or persons.	5. For the implementation of this Article, where the person referred to in points (b), (c) and (d) of paragraph 1 is the Member State or another public body, two separate public bodies exercising control over a transmission system operator or over a transmission system on the one hand, and over an undertaking performing any of the functions of production or supply on the other, shall be deemed not to be the same person or persons. Text Origin: Commission Proposal
	Article 54(6)			
674	6. Member States shall ensure that neither commercially sensitive information referred to in Article 36 held by a transmission system operator which was part of a vertically integrated undertaking, nor the staff of such a transmission system operator, is transferred to undertakings performing any of the	6. Member States shall ensure that neither commercially sensitive information referred to in Article 36 held by a transmission system operator which was part of a vertically integrated undertaking, nor the staff of such a transmission system operator, is transferred to undertakings performing any of the	6. Member States shall ensure that neither commercially sensitive information referred to in Article 36 held by a transmission system operator which was part of a vertically integrated undertaking, nor the staff of such a transmission system operator, is transferred to undertakings performing any of the	6. Member States shall ensure that neither commercially sensitive information referred to in Article 36 held by a transmission system operator which was part of a vertically integrated undertaking, nor the staff of such a transmission system operator, is transferred to undertakings performing any of the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	functions of production and supply.	functions of production and supply.	functions of production and supply.	functions of production and supply. Text Origin: Commission Proposal
Article 54(7), first subparagraph				
675	7. Where on 3 September 2009 the transmission system belonged to a vertically integrated undertaking, a Member State may decide not to apply paragraph 1. As regards the part of the transmission system connecting a Member State with a third country between the border of that Member State and the first connection point with that Member State's network, where on 23 May 2019 the transmission system belongs to a vertically integrated undertaking, a Member State may decide not to apply paragraph 1.	7. Where on 3 September 2009 the transmission system belonged to a vertically integrated undertaking, a Member State may decide not to apply paragraph 1. As regards the part of the transmission system connecting a Member State with a third country between the border of that Member State and the first connection point with that Member State's network, where on 23 May 2019 the transmission system belongs to a vertically integrated undertaking, a Member State may decide not to apply paragraph 1.	7. Where on 3 September 2009 the transmission system belonged to a vertically integrated undertaking, a Member State may decide not to apply paragraph 1. As regards the part of the transmission system connecting a Member State with a third country between the border of that Member State and the first connection point with that Member State's network, where on 23 May 2019 the transmission system belongs to a vertically integrated undertaking, a Member State may decide not to apply paragraph 1.	7. Where on 3 September 2009 the transmission system belonged to a vertically integrated undertaking, a Member State may decide not to apply paragraph 1. As regards the part of the transmission system connecting a Member State with a third country between the border of that Member State and the first connection point with that Member State's network, where on 23 May 2019 the transmission system belongs to a vertically integrated undertaking, a Member State may decide not to apply paragraph 1. Text Origin: Commission Proposal
Article 54(7), second subparagraph				
676	In such case, the Member State concerned shall either:	In such case, the Member State concerned shall either:	In such case, the Member State concerned shall either:	In such case, the Member State concerned shall either: Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 54(7), second subparagraph, point (a)			
677	(a) designate an independent system operator in accordance with Article 55, or	(a) designate an independent system operator in accordance with Article 55, or	(a) designate an independent system operator in accordance with Article 55, or	(a) designate an independent system operator in accordance with Article 55, or Text Origin: Commission Proposal
	Article 54(7), second subparagraph, point (b)			
678	(b) comply with the provisions of Section 3.	(b) comply with the provisions of Section 3.	(b) comply with the provisions of Section 3.	(b) comply with the provisions of Section 3. Text Origin: Commission Proposal
	Article 54(8), first subparagraph			
679	8. Where on 3 September 2009 the transmission system belonged to a vertically integrated undertaking and arrangements are in place which guarantee more effective independence of the transmission system operator than the provisions of Section 3., a Member State may decide not to apply paragraph 1 of this Article.	8. Where on 3 September 2009 the transmission system belonged to a vertically integrated undertaking and arrangements are in place which guarantee more effective independence of the transmission system operator than the provisions of Section 3., a Member State may decide not to apply paragraph 1 of this Article.	8. Where on 3 September 2009 the transmission system belonged to a vertically integrated undertaking and arrangements are in place which guarantee more effective independence of the transmission system operator than the provisions of Section 3., a Member State may decide not to apply paragraph 1 of this Article.	8. Where on 3 September 2009 the transmission system belonged to a vertically integrated undertaking and arrangements are in place which guarantee more effective independence of the transmission system operator than the provisions of Section 3., a Member State may decide not to apply paragraph 1 of this Article. Text Origin: Commission

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Proposal
Article 54(8), second subparagraph				
680	As regards the part of the transmission system connecting a Member State with a third country between the border of that Member State and the first connection point with that Member State's network, where on 23 May 2019 the transmission system belongs to a vertically integrated undertaking and arrangements are in place which guarantee more effective independence of the transmission system operator than the provisions of Section 3., that Member State may decide not to apply paragraph 1 of this Article.	As regards the part of the transmission system connecting a Member State with a third country between the border of that Member State and the first connection point with that Member State's network, where on 23 May 2019 the transmission system belongs to a vertically integrated undertaking and arrangements are in place which guarantee more effective independence of the transmission system operator than the provisions of Section 3., that Member State may decide not to apply paragraph 1 of this Article.	As regards the part of the transmission system connecting a Member State with a third country between the border of that Member State and the first connection point with that Member State's network, where on 23 May 2019 the transmission system belongs to a vertically integrated undertaking and arrangements are in place which guarantee more effective independence of the transmission system operator than the provisions of Section 3., that Member State may decide not to apply paragraph 1 of this Article.	As regards the part of the transmission system connecting a Member State with a third country between the border of that Member State and the first connection point with that Member State's network, where on 23 May 2019 the transmission system belongs to a vertically integrated undertaking and arrangements are in place which guarantee more effective independence of the transmission system operator than the provisions of Section 3., that Member State may decide not to apply paragraph 1 of this Article. Text Origin: Commission Proposal
Article 54(9)				
681	9. Before an undertaking is approved and designated as a transmission system operator under paragraph 9 of this Article, it shall be certified in accordance with the procedures laid down in Article	9. Before an undertaking is approved and designated as a transmission system operator under paragraph 9 of this Article, it shall be certified in accordance with the procedures laid down in Article	9. Before an undertaking is approved and designated as a transmission system operator under paragraph 9 of this Article, it shall be certified in accordance with the procedures laid down in Article	9. Before an undertaking is approved and designated as a transmission system operator under paragraph 9 of this Article, it shall be certified in accordance with the procedures laid down in Article

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	65(4), (5) and (6) of this Directive and in Article 3 of Regulation (EC) No 715/2009 After that, the Commission shall verify that the arrangements in place clearly guarantee more effective independence of the transmission system operator than the provisions of Section 3.	65(4), (5) and (6) of this Directive and in Article 3 of Regulation (EC) No 715/2009 After that, the Commission shall verify that the arrangements in place clearly guarantee more effective independence of the transmission system operator than the provisions of Section 3.	65(4), (5) and (6) of this Directive and in Article ~~313~~ of Regulation ~~(EC) No 715/2009-COM(2021) 804 final [referecne to recast Regulation]~~ After that, the Commission shall verify that the arrangements in place clearly guarantee more effective independence of the transmission system operator than the provisions of Section 3.	65(4), (5) and (6) of this Directive and in Article ~~313~~ of Regulation ~~(EC) No 715/2009-COM(2021) 804 final [referecne to recast Regulation]~~ After that, the Commission shall verify that the arrangements in place clearly guarantee more effective independence of the transmission system operator than the provisions of Section 3. Text Origin: Council Mandate
Article 54(10)				
682	10. Vertically integrated undertakings which own a transmission system shall not in any event be prevented from taking steps to comply with paragraph 1.	10. Vertically integrated undertakings which own a transmission system shall not in any event be prevented from taking steps to comply with paragraph 1.	10. Vertically integrated undertakings which own a transmission system shall not in any event be prevented from taking steps to comply with paragraph 1.	10. Vertically integrated undertakings which own a transmission system shall not in any event be prevented from taking steps to comply with paragraph 1. Text Origin: Commission Proposal
Article 54(11)				
683	11. Undertakings performing any of the functions of production or supply shall not in any event be able to directly or indirectly take control over or exercise any right over unbundled transmission	11. Undertakings performing any of the functions of production or supply shall not in any event be able to directly or indirectly take control over or exercise any right over unbundled transmission	11. Undertakings performing any of the functions of production or supply shall not in any event be able to directly or indirectly take control over or exercise any right over unbundled transmission	11. Undertakings performing any of the functions of production or supply shall not in any event be able to directly or indirectly take control over or exercise any right over unbundled transmission

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	system operators in Member States which apply paragraph 1.	system operators in Member States which apply paragraph 1.	system operators in Member States which apply paragraph 1.	system operators in Member States which apply paragraph 1. Text Origin: Commission Proposal
Section 2				
684	Section 2 independent system operators	Section 2 independent system operators	Section 2 -independent system operators	Section 2 independent system operators Text Origin: Commission Proposal
Article 55				
685	Article 55 Independent system operators	Article 55 Independent system operators	Article 55 Independent system operators	Article 55 Independent system operators Text Origin: Commission Proposal
Article 55(1), first subparagraph				
686	1. Where on 3 September 2009 the transmission system belonged to a vertically integrated undertaking, a Member State may decide not to apply Article 56 (1) and to designate an independent system operator upon a proposal from the transmission system owner.	1. Where on 3 September 2009 the transmission system belonged to a vertically integrated undertaking, a Member State may decide not to apply Article 56 (1) and to designate an independent system operator upon a proposal from the transmission system owner.	1. Where on 3 September 2009 the transmission system belonged to a vertically integrated undertaking, a Member State may decide not to apply Article-56(1) 54(1) and to designate an independent system operator upon a proposal from the transmission system owner.	1. Where on 3 September 2009 the transmission system belonged to a vertically integrated undertaking, a Member State may decide not to apply Article- ~~56(1)~~ 54(1) and to designate an independent system operator upon a proposal from the transmission system owner.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Council Mandate
Article 55(1), second subparagraph				
687	As regards the part of the transmission system connecting a Member State with a third country between the border of that Member State and the first connection point with that Member State's network, where on 23 May 2019 the transmission system belonged to a vertically integrated undertaking, that Member State may decide not to apply Article 59(1) and to designate an independent system operator upon a proposal from the transmission system owner.	As regards the part of the transmission system connecting a Member State with a third country between the border of that Member State and the first connection point with that Member State's network, where on 23 May 2019 the transmission system belonged to a vertically integrated undertaking, that Member State may decide not to apply Article 59(1) and to designate an independent system operator upon a proposal from the transmission system owner.	As regards the part of the transmission system connecting a Member State with a third country between the border of that Member State and the first connection point with that Member State's network, where on 23 May 2019 the transmission system belonged to a vertically integrated undertaking, that Member State may decide not to apply Article ~~59(1)~~ 54(1) and to designate an independent system operator upon a proposal from the transmission system owner.	As regards the part of the transmission system connecting a Member State with a third country between the border of that Member State and the first connection point with that Member State's network, where on 23 May 2019 the transmission system belonged to a vertically integrated undertaking, that Member State may decide not to apply Article ~~59(1)~~ 54(1) and to designate an independent system operator upon a proposal from the transmission system owner. Text Origin: Council Mandate
Article 55(1), third subparagraph				
688	The designation of an independent system operator shall be subject to approval by the Commission.	The designation of an independent system operator shall be subject to approval by the Commission.	The designation of an independent system operator shall be subject to approval by the Commission.	The designation of an independent system operator shall be subject to approval by the Commission. Text Origin: Commission Proposal
Article 55(2)				
689				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	2. The Member State may approve and designate an independent system operator only where:	2. The Member State may approve and designate an independent system operator only where:	2. The Member State may approve and designate an independent system operator only where:	2. The Member State may approve and designate an independent system operator only where: Text Origin: Commission Proposal
	Article 55(2), point (a)			
690	(a) the candidate operator has demonstrated that it complies with the requirements of Article 54 (1), points (b), (c) and (d);	(a) the candidate operator has demonstrated that it complies with the requirements of Article 54 (1), points (b), (c) and (d);	(a) the candidate operator has demonstrated that it complies with the requirements of Article 54 (1), points (b), (c) and (d);	(a) the candidate operator has demonstrated that it complies with the requirements of Article 54 (1), points (b), (c) and (d); Text Origin: Commission Proposal
	Article 55(2), point (b)			
691	(b) the candidate operator has demonstrated that it has at its disposal the required financial, technical, physical and human resources to carry out its tasks under Article 35;	(b) the candidate operator has demonstrated that it has at its disposal the required financial, technical, physical and human resources to carry out its tasks under Article 35;	(b) the candidate operator has demonstrated that it has at its disposal the required financial, technical, physical and human resources to carry out its tasks under Article 35;	(b) the candidate operator has demonstrated that it has at its disposal the required financial, technical, physical and human resources to carry out its tasks under Article 35; Text Origin: Commission Proposal
	Article 55(2), point (c)			
692	(c) the candidate operator has	(c) the candidate operator has	(c) the candidate operator has	(c) the candidate operator has

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	undertaken to comply with a ten-year network development plan monitored by the regulatory authority;	undertaken to comply with a ten-year network development plan monitored by the regulatory authority;	undertaken to comply with a ten-year network development plan monitored by the regulatory authority;	undertaken to comply with a ten-year network development plan monitored by the regulatory authority; Text Origin: Commission Proposal
Article 55(2), point (d)				
693	(d) the transmission system owner has demonstrated its ability to comply with its obligations under paragraph 5., to which end, it shall provide all the draft contractual arrangements with the candidate undertaking and any other relevant entity;	(d) the transmission system owner has demonstrated its ability to comply with its obligations under paragraph 5., to which end, it shall provide all the draft contractual arrangements with the candidate undertaking and any other relevant entity;	(d) the transmission system owner has demonstrated its ability to comply with its obligations under paragraph 5., to which end, it shall provide all the draft contractual arrangements with the candidate undertaking and any other relevant entity;	(d) the transmission system owner has demonstrated its ability to comply with its obligations under paragraph 5., to which end, it shall provide all the draft contractual arrangements with the candidate undertaking and any other relevant entity; Text Origin: Commission Proposal
Article 55(2), point (e)				
694	(e) the candidate operator has demonstrated its ability to comply with its obligations under [recast Gas regulation as proposed in COM(2021) xxx] including the cooperation of transmission system operators at European and regional level.	(e) the candidate operator has demonstrated its ability to comply with its obligations under [recast Gas regulation as proposed in COM(2021) xxx] including the cooperation of transmission system operators at European and regional level.	(e) the candidate operator has demonstrated its ability to comply with its obligations under [recast Gas regulation as proposed in COM(2021)- ~~xxx~~ 804] including the cooperation of transmission system operators at European and regional level.	(e) the candidate operator has demonstrated its ability to comply with its obligations under [recast Gas regulation as proposed in COM(2021)- ~~xxx~~ 804] including the cooperation of transmission system operators at European and regional level.

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				Text Origin: Council Mandate
Article 55(3)				
695	3. Undertakings which have been certified by the regulatory authority as having complied with the requirements of Article 66 and of paragraph 2 of this Article shall be approved and designated as independent system operators by Member States. The certification procedure in either Article 65 of this Directive and Article 3 of Regulation (EC) No 715/2009 or in Article 66 of this Directive shall be applicable.	3. Undertakings which have been certified by the regulatory authority as having complied with the requirements of Article 66 and of paragraph 2 of this Article shall be approved and designated as independent system operators by Member States. The certification procedure in either Article 65 of this Directive and Article 3 of Regulation (EC) No 715/2009 or in Article 66 of this Directive shall be applicable.	3. Undertakings which have been certified by the regulatory authority as having complied with the requirements of Article 66 and of paragraph 2 of this Article shall be approved and designated as independent system operators by Member States. The certification procedure in either Article 65 of this Directive and Article 3 of Regulation (EC) No 715/2009 or in Article 66 of this Directive shall be applicable.	3. Undertakings which have been certified by the regulatory authority as having complied with the requirements of Article 66 and of paragraph 2 of this Article shall be approved and designated as independent system operators by Member States. The certification procedure in either Article 65 of this Directive and Article 3 of Regulation (EC) No 715/2009 or in Article 66 of this Directive shall be applicable. Text Origin: Commission Proposal
Article 55(4)				
696	4. Each independent system operator shall be responsible for granting and managing third-party access, including the collection of access charges and congestion charges, for operating, maintaining and developing the transmission system, as well as for ensuring the long-term ability of the system to	4. Each independent system operator shall be responsible for granting and managing third-party access, including the collection of access charges and congestion charges, for operating, maintaining and developing the transmission system, as well as for ensuring the long-term ability of the system to	4. Each independent system operator shall be responsible for granting and managing third-party access, including the collection of access charges and congestion charges, for operating, maintaining and developing the transmission system, as well as for ensuring the long-term ability of the system to	4. Each independent system operator shall be responsible for granting and managing third-party access, including the collection of access charges and congestion charges, for operating, maintaining and developing the transmission system, as well as for ensuring the long-term ability of the system to

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	meet reasonable demand through investment planning. When developing the transmission system the independent system operator shall be responsible for planning (including the authorisation procedure), construction and commissioning of the new infrastructure. For this purpose, the independent system operator shall act as a transmission system operator in accordance with this Chapter. The transmission system owner shall not be responsible for granting and managing third-party access, nor for investment planning.	meet reasonable demand through investment planning. When developing the transmission system the independent system operator shall be responsible for planning (including the authorisation procedure), construction and commissioning of the new infrastructure. For this purpose, the independent system operator shall act as a transmission system operator in accordance with this Chapter. The transmission system owner shall not be responsible for granting and managing third-party access, nor for investment planning.	meet reasonable demand through investment planning. When developing the transmission system the independent system operator shall be responsible for planning (including the authorisation procedure), construction and commissioning of the new infrastructure. For this purpose, the independent system operator shall act as a transmission system operator in accordance with this Chapter. The transmission system owner shall not be responsible for granting and managing third-party access, nor for investment planning.	meet reasonable demand through investment planning. When developing the transmission system the independent system operator shall be responsible for planning (including the authorisation procedure), construction and commissioning of the new infrastructure. For this purpose, the independent system operator shall act as a transmission system operator in accordance with this Chapter. The transmission system owner shall not be responsible for granting and managing third-party access, nor for investment planning. Text Origin: Commission Proposal
	Article 55(5)			
697	5. Where an independent system operator has been designated, the transmission system owner shall:	5. Where an independent system operator has been designated, the transmission system owner shall:	5. Where an independent system operator has been designated, the transmission system owner shall:	5. Where an independent system operator has been designated, the transmission system owner shall: Text Origin: Commission Proposal
	Article 55(5), point (a)			
698	(a) provide all the relevant	(a) provide all the relevant	(a) provide all the relevant	(a) provide all the relevant

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	cooperation and support to the independent system operator for the fulfilment of its tasks, including in particular all relevant information;	cooperation and support to the independent system operator for the fulfilment of its tasks, including in particular all relevant information;	cooperation and support to the independent system operator for the fulfilment of its tasks, including in particular all relevant information;	cooperation and support to the independent system operator for the fulfilment of its tasks, including in particular all relevant information; Text Origin: Commission Proposal
Article 55(5), point (b)				
699	(b) finance the investments decided by the independent system operator and approved by the regulatory authority, or give its agreement to financing by any interested party including the independent system operator; the. The relevant financing arrangements shall be subject to approval by the regulatory authority; prior. Prior to such approval, the regulatory authority shall consult the transmission system owner together with other interested parties;	(b) finance the investments decided by the independent system operator and approved by the regulatory authority, or give its agreement to financing by any interested party including the independent system operator; the. The relevant financing arrangements shall be subject to approval by the regulatory authority; prior. Prior to such approval, the regulatory authority shall consult the transmission system owner together with other interested parties;	(b) finance the investments decided by the independent system operator and approved by the regulatory authority, or give its agreement to financing by any interested party including the independent system operator; the. The relevant financing arrangements shall be subject to approval by the regulatory authority; prior. Prior to such approval, the regulatory authority shall consult the transmission system owner together with other interested parties;	(b) finance the investments decided by the independent system operator and approved by the regulatory authority, or give its agreement to financing by any interested party including the independent system operator; the. The relevant financing arrangements shall be subject to approval by the regulatory authority; prior. Prior to such approval, the regulatory authority shall consult the transmission system owner together with other interested parties; Text Origin: Commission Proposal
Article 55(5), point (c)				
700	(c) provide for the coverage of	(c) provide for the coverage of	(c) provide for the coverage of	(c) provide for the coverage of

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	liability relating to the network assets, excluding the liability relating to the tasks of the independent system operator;	liability relating to the network assets, excluding the liability relating to the tasks of the independent system operator;	liability relating to the network assets, excluding the liability relating to the tasks of the independent system operator;	liability relating to the network assets, excluding the liability relating to the tasks of the independent system operator; Text Origin: Commission Proposal
Article 55(5), point (d)				
701	(d) provide guarantees to facilitate financing any network expansions with the exception of those investments where, pursuant to point (b), it has given its agreement to financing by any interested party including the independent system operator.	(d) provide guarantees to facilitate financing any network expansions with the exception of those investments where, pursuant to point (b), it has given its agreement to financing by any interested party including the independent system operator.	(d) provide guarantees to facilitate financing any network expansions with the exception of those investments where, pursuant to point (b), it has given its agreement to financing by any interested party including the independent system operator.	(d) provide guarantees to facilitate financing any network expansions with the exception of those investments where, pursuant to point (b), it has given its agreement to financing by any interested party including the independent system operator. Text Origin: Commission Proposal
Article 55(6)				
702	6. In close cooperation with the regulatory authority, the relevant national competition authority shall be granted all relevant powers to effectively monitor compliance of the transmission system owner with its obligations under paragraph 5.	6. In close cooperation with the regulatory authority, the relevant national competition authority shall be granted all relevant powers to effectively monitor compliance of the transmission system owner with its obligations under paragraph 5.	6. In close cooperation with the regulatory authority, the relevant national competition authority shall be granted all relevant powers to effectively monitor compliance of the transmission system owner with its obligations under paragraph 5.	6. In close cooperation with the regulatory authority, the relevant national competition authority shall be granted all relevant powers to effectively monitor compliance of the transmission system owner with its obligations under paragraph 5.

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				Text Origin: Commission Proposal
Article 56				
703	Article 56 Unbundling of transmission system owners, storage system and hydrogen storage operators	Article 56 Unbundling of transmission system owners, storage system and hydrogen storage operators	Article 56 Unbundling of transmission system owners, hydrogen network owners storage system and hydrogen storage operators	Article 56 Unbundling of transmission system owners, <u>hydrogen network owners</u> storage system and hydrogen storage operators Text Origin: Council Mandate
Article 56, second paragraph				
705	This Article shall apply only to natural gas storage facilities that are technically and/or economically necessary for providing efficient access to the system for the supply of customers pursuant to Article 29.	This Article shall apply only to natural gas storage facilities that are technically and/or economically necessary for providing efficient access to the system for the supply of customers pursuant to Article 29.	This Article shall apply only to natural gas storage facilities that are technically and/or economically necessary for providing efficient access to the system for the supply of customers pursuant to Article 29.	This Article shall apply only to natural gas storage facilities that are technically and/or economically necessary for providing efficient access to the system for the supply of customers pursuant to Article 29. Text Origin: Commission Proposal
Article 56, third paragraph				
706	In order to ensure the independence of the transmission system or hydrogen network owner and storage system or hydrogen	In order to ensure the independence of the transmission system or hydrogen network owner and storage system or hydrogen	In order to ensure the independence of the transmission system or hydrogen network owner and storage system or hydrogen	In order to ensure the independence of the transmission system or hydrogen network owner and storage system or hydrogen

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	storage operator referred to in the first paragraph, the following minimum criteria shall apply:	storage operator referred to in the first paragraph, the following minimum criteria shall apply:	storage operator referred to in the first ~~paragraph~~ sub-paragraph , the following minimum criteria shall apply:	storage operator referred to in the first ~~paragraph~~ sub-paragraph , the following minimum criteria shall apply: Text Origin: Council Mandate
Article 56, third paragraph, point (b)				
708	(b) appropriate measures shall be taken to ensure that the professional interests of persons responsible for the management of the transmission system or hydrogen network owner and storage system or hydrogen storage operator are taken into account in a manner that ensures that they are capable of acting independently;	(b) appropriate measures shall be taken to ensure that the professional interests of persons responsible for the management of the transmission system or hydrogen network owner and storage system or hydrogen storage operator are taken into account in a manner that ensures that they are capable of acting independently;	(b) appropriate measures shall be taken to ensure that the professional interests of persons responsible for the management of the transmission system or hydrogen network owner and storage system or hydrogen storage operator are taken into account in a manner that ensures that they are capable of acting independently;	(b) appropriate measures shall be taken to ensure that the professional interests of persons responsible for the management of the transmission system or hydrogen network owner and storage system or hydrogen storage operator are taken into account in a manner that ensures that they are capable of acting independently; Text Origin: Commission Proposal
Article 56, third paragraph, point (c)				
709	(c) the storage system or hydrogen storage operator shall have effective decision-making rights, independent from the integrated natural gas undertaking, with respect to assets necessary to operate, maintain or develop the storage facilities; this shall not	(c) the storage system or hydrogen storage operator shall have effective decision-making rights, independent from the integrated natural gas undertaking, with respect to assets necessary to operate, maintain or develop the storage facilities; this shall not	(c) the storage system or hydrogen storage operator shall have effective decision-making rights, independent from the integrated natural gas undertaking, with respect to assets necessary to operate, maintain or develop the storage facilities; this shall not	(c) the storage system or hydrogen storage operator shall have effective decision-making rights, independent from the integrated natural gas undertaking, with respect to assets necessary to operate, maintain or develop the storage facilities; this shall not

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	preclude the existence of appropriate coordination mechanisms to ensure that the economic and management supervision rights of the parent company in respect of return on assets regulated indirectly in accordance with Article 72(7) in a subsidiary are protected; it shall enable in particular the parent company to approve the annual financial plan, or any equivalent instrument, of the storage system or hydrogen storage operator and to set global limits on the levels of indebtedness of its subsidiary; it shall not permit the parent company to give instructions regarding day-to-day operations, nor with respect to individual decisions concerning the construction or upgrading of storage facilities, that do not exceed the terms of the approved financial plan, or any equivalent instrument;	preclude the existence of appropriate coordination mechanisms to ensure that the economic and management supervision rights of the parent company in respect of return on assets regulated indirectly in accordance with Article 72(7) in a subsidiary are protected; it shall enable in particular the parent company to approve the annual financial plan, or any equivalent instrument, of the storage system or hydrogen storage operator and to set global limits on the levels of indebtedness of its subsidiary; it shall not permit the parent company to give instructions regarding day-to-day operations, nor with respect to individual decisions concerning the construction or upgrading of storage facilities, that do not exceed the terms of the approved financial plan, or any equivalent instrument;	preclude the existence of appropriate coordination mechanisms to ensure that the economic and management supervision rights of the parent company in respect of return on assets regulated indirectly in accordance with Article 72(7) in a subsidiary are protected ; it shall enable in particular the parent company to approve the annual financial plan, or any equivalent instrument, of the storage system or hydrogen storage operator and to set global limits on the levels of indebtedness of its subsidiary; it shall not permit the parent company to give instructions regarding day-to-day operations, nor with respect to individual decisions concerning the construction or upgrading of storage facilities, that do not exceed the terms of the approved financial plan, or any equivalent instrument;	preclude the existence of appropriate coordination mechanisms to ensure that the economic and management supervision rights of the parent company in respect of return on assets regulated indirectly in accordance with Article 72(7) in a subsidiary are protected; it shall enable in particular the parent company to approve the annual financial plan, or any equivalent instrument, of the storage system or hydrogen storage operator and to set global limits on the levels of indebtedness of its subsidiary; it shall not permit the parent company to give instructions regarding day-to-day operations, nor with respect to individual decisions concerning the construction or upgrading of storage facilities, that do not exceed the terms of the approved financial plan, or any equivalent instrument; Text Origin: Commission Proposal
	Article 56, third paragraph, point (d)			
710	(d) the transmission system or	(d) the transmission system or	(d) the transmission system or	(d) the transmission system or

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	hydrogen network owner and the storage system or hydrogen storage operator shall establish a compliance programme, which shall set out measures taken to ensure that discriminatory conduct is excluded, and ensure that observance of it is adequately monitored; it shall also set out the specific obligations of employees to meet those objectives; an annual report, setting out the measures taken, shall be submitted by the person or body responsible for monitoring the compliance programme to the regulatory authority and shall be published.	hydrogen network owner and the storage system or hydrogen storage operator shall establish a compliance programme, which shall set out measures taken to ensure that discriminatory conduct is excluded, and ensure that observance of it is adequately monitored; it shall also set out the specific obligations of employees to meet those objectives; an annual report, setting out the measures taken, shall be submitted by the person or body responsible for monitoring the compliance programme to the regulatory authority and shall be published.	hydrogen network owner and the storage system or hydrogen storage operator shall establish a compliance programme, which shall set out measures taken to ensure that discriminatory conduct is excluded, and ensure that observance of it is adequately monitored; it shall also set out the specific obligations of employees to meet those objectives; an annual report, setting out the measures taken, shall be submitted by the person or body responsible for monitoring the compliance programme to the regulatory authority and shall be published.	hydrogen network owner and the storage system or hydrogen storage operator shall establish a compliance programme, which shall set out measures taken to ensure that discriminatory conduct is excluded, and ensure that observance of it is adequately monitored; it shall also set out the specific obligations of employees to meet those objectives; an annual report, setting out the measures taken, shall be submitted by the person or body responsible for monitoring the compliance programme to the regulatory authority and shall be published. Text Origin: Commission Proposal
Article 56, fourth paragraph				
711	The Commission is empowered to adopt delegated acts in accordance with Article 83 supplementing this Directive in order to set guidelines to ensure full and effective compliance of the transmission system or hydrogen network owner and of the storage system or hydrogen storage operator with paragraph 2 of this Article.	The Commission is empowered to adopt delegated acts in accordance with Article 83 supplementing this Directive in order to set guidelines to ensure full and effective compliance of the transmission system or hydrogen network owner and of the storage system or hydrogen storage operator with paragraph 2 of this Article.	The Commission is empowered to adopt delegated acts in accordance with Article 83 supplementingsupplement this Directive in order to set guidelines to ensure full and effective compliance of the transmission system or hydrogen network owner and of the storage system or hydrogen storage operator with	The Commission is empowered to adopt delegated acts in accordance with Article 83 ~~supplementingto~~ <u>supplement</u> this Directive in order to set guidelines to ensure full and effective compliance of the transmission system or hydrogen network owner and of the storage system or hydrogen storage operator with paragraph 2 of this

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			paragraph 2 of this Article.	Article. Text Origin: Council Mandate
Section 3				
712	Section 3 independent transmission operators	Section 3 independent transmission operators	Section 3 -independent transmission operators	Section 3 independent transmission operators Text Origin: Commission Proposal
Article 57				
713	Article 57 Assets, equipment, staff and identity	Article 57 Assets, equipment, staff and identity	Article 57 Assets, equipment, staff and identity	Article 57 Assets, equipment, staff and identity Text Origin: Commission Proposal
Article 57(1)				
714	1. Transmission system operators shall be equipped with all human, technical, physical and financial resources necessary for fulfilling their obligations under this Directive and carrying out the activity of gas transmission, in particular:	1. Transmission system operators shall be equipped with all human, technical, physical and financial resources necessary for fulfilling their obligations under this Directive and carrying out the activity of gas transmission, in particular:	1. Transmission system operators shall be equipped with all human, technical, physical and financial resources necessary for fulfilling their obligations under this Directive and carrying out the activity of gas transmission, in particular:	1. Transmission system operators shall be equipped with all human, technical, physical and financial resources necessary for fulfilling their obligations under this Directive and carrying out the activity of gas transmission, in particular: Text Origin: Commission

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				Proposal
Article 57(1), point (a)				
715	(a) assets that are necessary for the activity of gas transmission, including the transmission system, shall be owned by the transmission system operator;	(a) assets that are necessary for the activity of gas transmission, including the transmission system, shall be owned by the transmission system operator;	(a) assets that are necessary for the activity of gas transmission, including the transmission system, shall be owned by the transmission system operator;	(a) assets that are necessary for the activity of gas transmission, including the transmission system, shall be owned by the transmission system operator; Text Origin: Commission Proposal
Article 57(1), point (b)				
716	(b) personnel necessary for the activity of gas transmission, including the performance of all corporate tasks, shall be employed by the transmission system operator;	(b) personnel necessary for the activity of gas transmission, including the performance of all corporate tasks, shall be employed by the transmission system operator;	(b) personnel necessary for the activity of gas transmission, including the performance of all corporate tasks, shall be employed by the transmission system operator;	(b) personnel necessary for the activity of gas transmission, including the performance of all corporate tasks, shall be employed by the transmission system operator; Text Origin: Commission Proposal
Article 57(1), point (c)				
717	(c) leasing of personnel and rendering of services, to and from any other parts of the vertically integrated undertaking shall be prohibited. A transmission system	(c) leasing of personnel and rendering of services, to and from any other parts of the vertically integrated undertaking shall be prohibited. A transmission system	(c) leasing of personnel and rendering of services, to and from any other parts of the vertically integrated undertaking shall be prohibited. A transmission system	(c) leasing of personnel and rendering of services, to and from any other parts of the vertically integrated undertaking shall be prohibited. A transmission system

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	operator may, however, render services to the vertically integrated undertaking as long as:	operator may, however, render services to the vertically integrated undertaking as long as:	operator may, however, render services to the vertically integrated undertaking as long as:	operator may, however, render services to the vertically integrated undertaking as long as: Text Origin: Commission Proposal
Article 57(1), point (c)(i)				
718	(i) the provision of those services does not discriminate between system users, is available to all system users on the same terms and conditions and does not restrict, distort or prevent competition in production or supply;	(i) the provision of those services does not discriminate between system users, is available to all system users on the same terms and conditions and does not restrict, distort or prevent competition in production or supply;	(i) the provision of those services does not discriminate between system users, is available to all system users on the same terms and conditions and does not restrict, distort or prevent competition in production or supply;	(i) the provision of those services does not discriminate between system users, is available to all system users on the same terms and conditions and does not restrict, distort or prevent competition in production or supply; Text Origin: Commission Proposal
Article 57(1), point (c)(ii)				
719	(ii) the terms and conditions of the provision of those services are approved by the regulatory authority;	(ii) the terms and conditions of the provision of those services are approved by the regulatory authority;	(ii) the terms and conditions of the provision of those services are approved by the regulatory authority;	(ii) the terms and conditions of the provision of those services are approved by the regulatory authority; Text Origin: Commission Proposal
Article 57(1), point (d)				
720				

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	(d) without prejudice to the decisions of the Supervisory Body under Article 60, appropriate financial resources for future investment projects or for the replacement of existing assets shall be made available to the transmission system operator in due time by the vertically integrated undertaking following an appropriate request from the transmission system operator.	(d) without prejudice to the decisions of the Supervisory Body under Article 60, appropriate financial resources for future investment projects or for the replacement of existing assets shall be made available to the transmission system operator in due time by the vertically integrated undertaking following an appropriate request from the transmission system operator.	(d) without prejudice to the decisions of the Supervisory Body under Article 60, appropriate financial resources for future investment projects or for the replacement of existing assets shall be made available to the transmission system operator in due time by the vertically integrated undertaking following an appropriate request from the transmission system operator.	(d) without prejudice to the decisions of the Supervisory Body under Article 60, appropriate financial resources for future investment projects or for the replacement of existing assets shall be made available to the transmission system operator in due time by the vertically integrated undertaking following an appropriate request from the transmission system operator. Text Origin: Commission Proposal
Article 57(2)				
721	2. The activity of gas transmission shall include at least the following tasks in addition to those listed in Article 35:	2. The activity of gas transmission shall include at least the following tasks in addition to those listed in Article 35:	2. The activity of gas transmission shall include at least the following tasks in addition to those listed in Article 35:	2. The activity of gas transmission shall include at least the following tasks in addition to those listed in Article 35: Text Origin: Commission Proposal
Article 57(2), point (a)				
722	(a) the representation of the transmission system operator and contacts to third parties and the regulatory authorities;	(a) the representation of the transmission system operator and contacts to third parties and the regulatory authorities;	(a) the representation of the transmission system operator and contacts to third parties and the regulatory authorities;	(a) the representation of the transmission system operator and contacts to third parties and the regulatory authorities;

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				Text Origin: Commission Proposal
Article 57(2), point (b)				
723	(b) the representation of the transmission system operator within the European Network of Transmission System Operators for Gas (ENTSO for Gas);	(b) the representation of the transmission system operator within the European Network of Transmission System Operators for Gas (ENTSO for Gas);	(b) the representation of the transmission system operator within the European Network of Transmission System Operators for Gas (ENTSO for Gas);	(b) the representation of the transmission system operator within the European Network of Transmission System Operators for Gas (ENTSO for Gas); Text Origin: Commission Proposal
Article 57(2), point (c)				
724	(c) granting and managing third-party access on a non-discriminatory basis between system users or classes of system users;	(c) granting and managing third-party access on a non-discriminatory basis between system users or classes of system users;	(c) granting and managing third-party access on a non-discriminatory basis between system users or classes of system users;	(c) granting and managing third-party access on a non-discriminatory basis between system users or classes of system users; Text Origin: Commission Proposal
Article 57(2), point (d)				
725	(d) the collection of all the transmission system related charges including access charges, balancing charges for ancillary services such as gas treatment,	(d) the collection of all the transmission system related charges including access charges, balancing charges for ancillary services such as gas treatment,	(d) the collection of all the transmission system related charges including access charges, balancing charges for ancillary services such as gas treatment,	(d) the collection of all the transmission system related charges including access charges, balancing charges for ancillary services such as gas treatment,

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	purchasing of services (balancing costs, energy for losses);	purchasing of services (balancing costs, energy for losses);	purchasing of services (balancing costs, energy for losses);	purchasing of services (balancing costs, energy for losses); Text Origin: Commission Proposal
Article 57(2), point (e)				
726	(e) the operation, maintenance and development of a secure, efficient and economic transmission system;	(e) the operation, maintenance and development of a secure, efficient and economic transmission system;	(e) the operation, maintenance and development of a secure, efficient and economic transmission system;	(e) the operation, maintenance and development of a secure, efficient and economic transmission system; Text Origin: Commission Proposal
Article 57(2), point (f)				
727	(f) investment planning ensuring the long-term ability of the system to meet reasonable demand and guaranteeing security of supply;	(f) investment planning ensuring the long-term ability of the system to meet reasonable demand and guaranteeing security of supply;	(f) investment planning ensuring the long-term ability of the system to meet reasonable demand and guaranteeing security of supply;	(f) investment planning ensuring the long-term ability of the system to meet reasonable demand and guaranteeing security of supply; Text Origin: Commission Proposal
Article 57(2), point (g)				
728	(g) the setting up of appropriate joint ventures, including with one or more transmission system operators, gas exchanges, and the other relevant actors pursuing the	(g) the setting up of appropriate joint ventures, including with one or more transmission system operators, gas exchanges, and the other relevant actors pursuing the	(g) the setting up of appropriate joint ventures, including with one or more transmission system operators, gas exchanges, and the other relevant actors pursuing the	(g) the setting up of appropriate joint ventures, including with one or more transmission system operators, gas exchanges, and the other relevant actors pursuing the

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	objective to develop the creation of regional markets or to facilitate the liberalisation process;	objective to develop the creation of regional markets or to facilitate the liberalisation process;	objective to develop the creation of regional markets or to facilitate the liberalisation process;	objective to develop the creation of regional markets or to facilitate the liberalisation process; Text Origin: Commission Proposal
Article 57(2), point (h)				
729	(h) all corporate services, including legal services, accountancy and IT services.	(h) all corporate services, including legal services, accountancy and IT services.	(h) all corporate services, including legal services, accountancy and IT services.	(h) all corporate services, including legal services, accountancy and IT services. Text Origin: Commission Proposal
Article 57(3)				
730	3. Transmission system operators shall be organised in a legal form as referred to in Annex II to Directive (EU) 2017/1132 of the European Parliament and of the Council¹ 1. THIS FOOTNOTE IS MISSING. THANK YOU FOR USING ANOTHER LANGUAGE.	3. Transmission system operators shall be organised in a legal form as referred to in Annex II to Directive (EU) 2017/1132 of the European Parliament and of the Council¹ 1. THIS FOOTNOTE IS MISSING. THANK YOU FOR USING ANOTHER LANGUAGE.	3. Transmission system operators shall be organised in a legal form as referred to in- Annex II to Directive (EU) 2017/1132 of the European Parliament and of the Council¹. 1. THIS FOOTNOTE IS MISSING. THANK YOU FOR USING ANOTHER LANGUAGE Directive 2009/101/EC of the European Parliament and of the Council of 16 September 2009 on coordination of safeguards which, for the protection of the interests of members and third parties, are required by Member States of companies within the meaning of the second paragraph of	3. Transmission system operators shall be organised in a legal form as referred to in- Annex II to Directive (EU) 2017/1132 of the European Parliament and of the Council¹. 1. ~~THIS FOOTNOTE IS MISSING. THANK YOU FOR USING ANOTHER LANGUAGE~~ Directive 2009/101/EC of the European Parliament and of the Council of 16 September 2009 on coordination of safeguards which, for the protection of the interests of members and third parties, are required by Member States of companies within the meaning of the second paragraph of Article 48 of the

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			Article 48 of the Treaty, with a view to making such safeguards equivalent (OJ L 258, 1.10.2009, p. 11).	<u>Treaty, with a view to making such safeguards equivalent (OJ L 258, 1.10.2009, p. 11).</u> Text Origin: Council Mandate
Article 57(4)				
731	4. The transmission system operator shall not, in its corporate identity, communication, branding and premises, create confusion in respect of the separate identity of the vertically integrated undertaking or any part thereof.	4. The transmission system operator shall not, in its corporate identity, communication, branding and premises, create confusion in respect of the separate identity of the vertically integrated undertaking or any part thereof.	4. The transmission system operator shall not, in its corporate identity, communication, branding and premises, create confusion in respect of the separate identity of the vertically integrated undertaking or any part thereof.	4. The transmission system operator shall not, in its corporate identity, communication, branding and premises, create confusion in respect of the separate identity of the vertically integrated undertaking or any part thereof. Text Origin: Commission Proposal
Article 57(5)				
732	5. The transmission system operator shall not share IT systems or equipment, physical premises and security access systems with any part of the vertically integrated undertaking, nor use the same consultants or external contractors for IT systems or equipment, and security access systems.	5. The transmission system operator shall not share IT systems or equipment, physical premises and security access systems with any part of the vertically integrated undertaking, nor use the same consultants or external contractors for IT systems or equipment, and security access systems.	5. The transmission system operator shall not share IT systems or equipment, physical premises and security access systems with any part of the vertically integrated undertaking, nor use the same consultants or external contractors for IT systems or equipment, and security access systems.	5. The transmission system operator shall not share IT systems or equipment, physical premises and security access systems with any part of the vertically integrated undertaking, nor use the same consultants or external contractors for IT systems or equipment, and security access systems. Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 57(6)				
733	6. The accounts of transmission system operators shall be audited by an auditor other than the one auditing the vertically integrated undertaking or any part thereof.	6. The accounts of transmission system operators shall be audited by an auditor other than the one auditing the vertically integrated undertaking or any part thereof.	6. The accounts of transmission system operators shall be audited by an auditor other than the one auditing the vertically integrated undertaking or any part thereof.	6. The accounts of transmission system operators shall be audited by an auditor other than the one auditing the vertically integrated undertaking or any part thereof. Text Origin: Commission Proposal
Article 58				
734	Article 58 Independence of the transmission system operator	Article 58 Independence of the transmission system operator	Article 58 Independence of the transmission system operator	Article 58 Independence of the transmission system operator Text Origin: Commission Proposal
Article 58(1)				
735	1. Without prejudice to the decisions of the Supervisory Body under Article 60, the transmission system operator shall have:	1. Without prejudice to the decisions of the Supervisory Body under Article 60, the transmission system operator shall have:	1. Without prejudice to the decisions of the Supervisory Body under Article 60, the transmission system operator shall have:	1. Without prejudice to the decisions of the Supervisory Body under Article 60, the transmission system operator shall have: Text Origin: Commission Proposal
Article 58(1), point (a)				
736				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(a) effective decision-making rights, independent from the vertically integrated undertaking, with respect to assets necessary to operate, maintain or develop the transmission system;	(a) effective decision-making rights, independent from the vertically integrated undertaking, with respect to assets necessary to operate, maintain or develop the transmission system;	(a) effective decision-making rights, independent from the vertically integrated undertaking, with respect to assets necessary to operate, maintain or develop the transmission system;	(a) effective decision-making rights, independent from the vertically integrated undertaking, with respect to assets necessary to operate, maintain or develop the transmission system; Text Origin: Commission Proposal
Article 58(1), point (b)				
737	(b) the power to raise money on the capital market in particular through borrowing and capital increase.	(b) the power to raise money on the capital market in particular through borrowing and capital increase.	(b) the power to raise money on the capital market in particular through borrowing and capital increase.	(b) the power to raise money on the capital market in particular through borrowing and capital increase. Text Origin: Commission Proposal
Article 58(2)				
738	2. The transmission system operator shall at all times act so as to ensure it has the resources it needs in order to carry out the activity of transmission properly and efficiently and develop and maintain an efficient, secure and economic transmission system.	2. The transmission system operator shall at all times act so as to ensure it has the resources it needs in order to carry out the activity of transmission properly and efficiently and develop and maintain an efficient, secure and economic transmission system.	2. The transmission system operator shall at all times act so as to ensure it has the resources it needs in order to carry out the activity of transmission properly and efficiently and develop and maintain an efficient, secure and economic transmission system.	2. The transmission system operator shall at all times act so as to ensure it has the resources it needs in order to carry out the activity of transmission properly and efficiently and develop and maintain an efficient, secure and economic transmission system. Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 58(3)			
739	3. Subsidiaries of the vertically integrated undertaking performing functions of production or supply shall not have any direct or indirect shareholding in the transmission system operator. The transmission system operator shall neither have any direct or indirect shareholding in any subsidiary of the vertically integrated undertaking performing functions of production or supply, nor receive dividends or any other financial benefit from that subsidiary.	3. Subsidiaries of the vertically integrated undertaking performing functions of production or supply shall not have any direct or indirect shareholding in the transmission system operator. The transmission system operator shall neither have any direct or indirect shareholding in any subsidiary of the vertically integrated undertaking performing functions of production or supply, nor receive dividends or any other financial benefit from that subsidiary.	3. Subsidiaries of the vertically integrated undertaking performing functions of production or supply shall not have any direct or indirect shareholding in the transmission system operator. The transmission system operator shall neither have any direct or indirect shareholding in any subsidiary of the vertically integrated undertaking performing functions of production or supply, nor receive dividends or any other financial benefit from that subsidiary.	3. Subsidiaries of the vertically integrated undertaking performing functions of production or supply shall not have any direct or indirect shareholding in the transmission system operator. The transmission system operator shall neither have any direct or indirect shareholding in any subsidiary of the vertically integrated undertaking performing functions of production or supply, nor receive dividends or any other financial benefit from that subsidiary. Text Origin: Commission Proposal
	Article 58(4)			
740	4. The overall management structure and the corporate statutes of the transmission system operator shall ensure effective independence of the transmission system operator in compliance with this Chapter. The vertically integrated undertaking shall not determine, directly or indirectly, the	4. The overall management structure and the corporate statutes of the transmission system operator shall ensure effective independence of the transmission system operator in compliance with this Chapter. The vertically integrated undertaking shall not determine, directly or indirectly, the	4. The overall management structure and the corporate statutes of the transmission system operator shall ensure effective independence of the transmission system operator in compliance with this Chapter. The vertically integrated undertaking shall not determine, directly or indirectly, the	4. The overall management structure and the corporate statutes of the transmission system operator shall ensure effective independence of the transmission system operator in compliance with this Chapter. The vertically integrated undertaking shall not determine, directly or indirectly, the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	competitive behaviour of the transmission system operator in relation to the day to day activities of the transmission system operator and management of the network, or in relation to activities necessary for the preparation of the ten-year network development plan developed pursuant to Article 51.	competitive behaviour of the transmission system operator in relation to the day to day activities of the transmission system operator and management of the network, or in relation to activities necessary for the preparation of the ten-year network development plan developed pursuant to Article 51.	competitive behaviour of the transmission system operator in relation to the day to day activities of the transmission system operator and management of the network, or in relation to activities necessary for the preparation of the ten-year network development plan developed pursuant to Article 51.	competitive behaviour of the transmission system operator in relation to the day to day activities of the transmission system operator and management of the network, or in relation to activities necessary for the preparation of the ten-year network development plan developed pursuant to Article 51. Text Origin: Commission Proposal
Article 58(6)				
742	6. Any commercial and financial relations between the vertically integrated undertaking and the transmission system operator, including loans from the transmission system operator to the vertically integrated undertaking, shall comply with market conditions. The transmission system operator shall keep detailed records of such commercial and financial relations and make them available to the regulatory authority upon request.	6. Any commercial and financial relations between the vertically integrated undertaking and the transmission system operator, including loans from the transmission system operator to the vertically integrated undertaking, shall comply with market conditions. The transmission system operator shall keep detailed records of such commercial and financial relations and make them available to the regulatory authority upon request.	6. Any commercial and financial relations between the vertically integrated undertaking and the transmission system operator, including loans from the transmission system operator to the vertically integrated undertaking, shall comply with market conditions. The transmission system operator shall keep detailed records of such commercial and financial relations and make them available to the regulatory authority upon request.	6. Any commercial and financial relations between the vertically integrated undertaking and the transmission system operator, including loans from the transmission system operator to the vertically integrated undertaking, shall comply with market conditions. The transmission system operator shall keep detailed records of such commercial and financial relations and make them available to the regulatory authority upon request. Text Origin: Commission Proposal
Article 58(7)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
743	7. The transmission system operator shall submit for approval by the regulatory authority all commercial and financial agreements with the vertically integrated undertaking.	7. The transmission system operator shall submit for approval by the regulatory authority all commercial and financial agreements with the vertically integrated undertaking.	7. The transmission system operator shall submit for approval by the regulatory authority all commercial and financial agreements with the vertically integrated undertaking.	7. The transmission system operator shall submit for approval by the regulatory authority all commercial and financial agreements with the vertically integrated undertaking. Text Origin: Commission Proposal
Article 58(8)				
744	8. The transmission system operator shall inform the regulatory authority of the financial resources, referred to in Article 57(1), point (d), available for future investment projects or for the replacement of existing assets.	8. The transmission system operator shall inform the regulatory authority of the financial resources, referred to in Article 57(1), point (d), available for future investment projects or for the replacement of existing assets.	8. The transmission system operator shall inform the regulatory authority of the financial resources, referred to in Article 57(1), point (d), available for future investment projects or for the replacement of existing assets.	8. The transmission system operator shall inform the regulatory authority of the financial resources, referred to in Article 57(1), point (d), available for future investment projects or for the replacement of existing assets. Text Origin: Commission Proposal
Article 58(9)				
745	9. The vertically integrated undertaking shall refrain from any action impeding or prejudicing the transmission system operator from complying with its obligations in this Chapter and shall not require the transmission system operator to	9. The vertically integrated undertaking shall refrain from any action impeding or prejudicing the transmission system operator from complying with its obligations in this Chapter and shall not require the transmission system operator to	9. The vertically integrated undertaking shall refrain from any action impeding or prejudicing the transmission system operator from complying with its obligations in this Chapter and shall not require the transmission system operator to	9. The vertically integrated undertaking shall refrain from any action impeding or prejudicing the transmission system operator from complying with its obligations in this Chapter and shall not require the transmission system operator to

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	seek permission from the vertically integrated undertaking in fulfilling those obligations.	seek permission from the vertically integrated undertaking in fulfilling those obligations.	seek permission from the vertically integrated undertaking in fulfilling those obligations.	seek permission from the vertically integrated undertaking in fulfilling those obligations. Text Origin: Commission Proposal
Article 58(10)				
746	10. An undertaking which has been certified by the regulatory authority as being in compliance with the requirements of this Chapter shall be approved and designated as a transmission system operator by the Member State concerned. The certification procedure in either Article 65 of this Directive and Article 13 of Regulation (EC) No 715/2009 or in Article 66 of this Directive shall apply.	10. An undertaking which has been certified by the regulatory authority as being in compliance with the requirements of this Chapter shall be approved and designated as a transmission system operator by the Member State concerned. The certification procedure in either Article 65 of this Directive and Article 13 of Regulation (EC) No 715/2009 or in Article 66 of this Directive shall apply.	10. An undertaking which has been certified by the regulatory authority as being in compliance with the requirements of this Chapter shall be approved and designated as a transmission system operator by the Member State concerned. The certification procedure in either Article 65 of this Directive and Article 13 of [recast Gas Regulation proposed in COM X/Y] ~~(EC) No 715/2009~~ or in Article 66 of this Directive shall apply.	10. An undertaking which has been certified by the regulatory authority as being in compliance with the requirements of this Chapter shall be approved and designated as a transmission system operator by the Member State concerned. The certification procedure in either Article 65 of this Directive and Article 13 of [recast Gas Regulation proposed in COM X/Y] ~~(EC) No 715/2009~~ or in Article 66 of this Directive shall apply. Text Origin: Council Mandate
Article 58(11)				
747	11. The transmission system operator shall make public detailed information regarding the quality of the gases transported in its networks, based on Articles 16 and	11. The transmission system operator shall make public detailed information regarding the quality of the gas transported in its networks, based on Articles 16 and	11. The transmission system operator shall make public detailed information regarding the quality of the gases transported in its networks, based on Articles 16 and	11. The transmission system operator shall make public detailed information regarding the quality of the gases ~~gas~~ transported in its networks, based on Articles 16 and

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	17 of Regulation (EU) 2015/703	17 of Regulation (EU) 2015/703.	17 of Regulation (EU) 2015/703.	17 of Regulation (EU) 2015/703. Text Origin: EP Mandate
Article 59				
748	Article 59 Independence of the staff and the management of the transmission system operator	Article 59 Independence of the staff and the management of the transmission system operator	Article 59 Independence of the staff and the management of the transmission system operator	Article 59 Independence of the staff and the management of the transmission system operator Text Origin: Commission Proposal
Article 59(1)				
749	1. Decisions regarding the appointment and renewal, working conditions including remuneration, and termination of the term of office, of the persons responsible for the management or members of the administrative bodies of the transmission system operator shall be taken by the Supervisory Body of the transmission system operator appointed in accordance with Article 60.	1. Decisions regarding the appointment and renewal, working conditions including remuneration, and termination of the term of office, of the persons responsible for the management or members of the administrative bodies of the transmission system operator shall be taken by the Supervisory Body of the transmission system operator appointed in accordance with Article 60.	1. Decisions regarding the appointment and renewal, working conditions including remuneration, and termination of the term of office, of the persons responsible for the management or members of the administrative bodies of the transmission system operator shall be taken by the Supervisory Body of the transmission system operator appointed in accordance with Article 60.	1. Decisions regarding the appointment and renewal, working conditions including remuneration, and termination of the term of office, of the persons responsible for the management or members of the administrative bodies of the transmission system operator shall be taken by the Supervisory Body of the transmission system operator appointed in accordance with Article 60. Text Origin: Commission Proposal
Article 59(2), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
750	2. The identity of, and the conditions governing the term, the duration and the termination of office of, the persons nominated by the Supervisory Body for appointment or renewal as persons responsible for the executive management and/or as members of the administrative bodies of the transmission system operator, and the reasons for any proposed decision terminating such term of office, shall be notified to the regulatory authority. Those conditions and the decisions referred to in paragraph 1 shall become binding only if the regulatory authority has raised no objections within three weeks of the notification.	2. The identity of, and the conditions governing the term, the duration and the termination of office of, the persons nominated by the Supervisory Body for appointment or renewal as persons responsible for the executive management and/or as members of the administrative bodies of the transmission system operator, and the reasons for any proposed decision terminating such term of office, shall be notified to the regulatory authority. Those conditions and the decisions referred to in paragraph 1 shall become binding only if the regulatory authority has raised no objections within three weeks of the notification.	2. The identity of, and the conditions governing the term, the duration and the termination of office of, the persons nominated by the Supervisory Body for appointment or renewal as persons responsible for the executive management and/or as members of the administrative bodies of the transmission system operator, and the reasons for any proposed decision terminating such term of office, shall be notified to the regulatory authority. Those conditions and the decisions referred to in paragraph 1 shall become binding only if the regulatory authority has raised no objections within three weeks of the notification.	2. The identity of, and the conditions governing the term, the duration and the termination of office of, the persons nominated by the Supervisory Body for appointment or renewal as persons responsible for the executive management and/or as members of the administrative bodies of the transmission system operator, and the reasons for any proposed decision terminating such term of office, shall be notified to the regulatory authority. Those conditions and the decisions referred to in paragraph 1 shall become binding only if the regulatory authority has raised no objections within three weeks of the notification. Text Origin: Commission Proposal
Article 59(2), second subparagraph				
751	The regulatory authority may object to the decisions referred to in paragraph 1 where:	The regulatory authority may object to the decisions referred to in paragraph 1 where:	The regulatory authority may object to the decisions referred to in paragraph 1 where:	The regulatory authority may object to the decisions referred to in paragraph 1 where: Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 59(2), second subparagraph, point (a)				
752	(a) doubts arise as to the professional independence of a nominated person responsible for the management and/or member of the administrative bodies; or	(a) doubts arise as to the professional independence of a nominated person responsible for the management and/or member of the administrative bodies; or	(a) doubts arise as to the professional independence of a nominated person responsible for the management and/or member of the administrative bodies; or	(a) doubts arise as to the professional independence of a nominated person responsible for the management and/or member of the administrative bodies; or Text Origin: Commission Proposal
Article 59(2), second subparagraph, point (b)				
753	(b) in the case of premature termination of a term of office, doubts exist regarding the justification of such premature termination.	(b) in the case of premature termination of a term of office, doubts exist regarding the justification of such premature termination.	(b) in the case of premature termination of a term of office, doubts exist regarding the justification of such premature termination.	(b) in the case of premature termination of a term of office, doubts exist regarding the justification of such premature termination. Text Origin: Commission Proposal
Article 59(3)				
754	3. No professional position or responsibility, interest or business relationship, directly or indirectly, with the vertically integrated undertaking or any part of it or its controlling shareholders other than the transmission system operator shall be exercised for a period of three years before the appointment	3. No professional position or responsibility, interest or business relationship, directly or indirectly, with the vertically integrated undertaking or any part of it or its controlling shareholders other than the transmission system operator shall be exercised for a period of three years before the appointment	3. No professional position or responsibility, interest or business relationship, directly or indirectly, with the vertically integrated undertaking or any part of it or its controlling shareholders other than the transmission system operator shall be exercised for a period of three years before the appointment	3. No professional position or responsibility, interest or business relationship, directly or indirectly, with the vertically integrated undertaking or any part of it or its controlling shareholders other than the transmission system operator shall be exercised for a period of three years before the appointment

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	of the persons responsible for the management or members of the administrative bodies of the transmission system operator who are subject to this paragraph.	of the persons responsible for the management or members of the administrative bodies of the transmission system operator who are subject to this paragraph.	of the persons responsible for the management or members of the administrative bodies of the transmission system operator who are subject to this paragraph.	of the persons responsible for the management or members of the administrative bodies of the transmission system operator who are subject to this paragraph. Text Origin: Commission Proposal
Article 59(4)				
755	4. The persons responsible for the management and/or members of the administrative bodies, and employees of the transmission system operator shall have no other professional position or responsibility, interest or business relationship, directly or indirectly, with any other part of the vertically integrated undertaking or with its controlling shareholders.	4. The persons responsible for the management and/or members of the administrative bodies, and employees of the transmission system operator shall have no other professional position or responsibility, interest or business relationship, directly or indirectly, with any other part of the vertically integrated undertaking or with its controlling shareholders.	4. The persons responsible for the management and/or members of the administrative bodies, and employees of the transmission system operator shall have no other professional position or responsibility, interest or business relationship, directly or indirectly, with any other part of the vertically integrated undertaking or with its controlling shareholders.	4. The persons responsible for the management and/or members of the administrative bodies, and employees of the transmission system operator shall have no other professional position or responsibility, interest or business relationship, directly or indirectly, with any other part of the vertically integrated undertaking or with its controlling shareholders. Text Origin: Commission Proposal
Article 59(5)				
756	5. The persons responsible for the management or members of the administrative bodies, and employees of the transmission system operator shall hold no	5. The persons responsible for the management or members of the administrative bodies, and employees of the transmission system operator shall hold no	5. The persons responsible for the management or members of the administrative bodies, and employees of the transmission system operator shall hold no	5. The persons responsible for the management or members of the administrative bodies, and employees of the transmission system operator shall hold no

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	interest in or receive any financial benefit, directly or indirectly, from any part of the vertically integrated undertaking other than the transmission system operator. Their remuneration shall not depend on activities or results of the vertically integrated undertaking other than those of the transmission system operator.	interest in or receive any financial benefit, directly or indirectly, from any part of the vertically integrated undertaking other than the transmission system operator. Their remuneration shall not depend on activities or results of the vertically integrated undertaking other than those of the transmission system operator.	interest in or receive any financial benefit, directly or indirectly, from any part of the vertically integrated undertaking other than the transmission system operator. Their remuneration shall not depend on activities or results of the vertically integrated undertaking other than those of the transmission system operator.	interest in or receive any financial benefit, directly or indirectly, from any part of the vertically integrated undertaking other than the transmission system operator. Their remuneration shall not depend on activities or results of the vertically integrated undertaking other than those of the transmission system operator. Text Origin: Commission Proposal
Article 59(6)				
757	6. Effective rights of appeal to the regulatory authority shall be guaranteed for any complaints by the persons responsible for the management or members of the administrative bodies of the transmission system operator against premature terminations of their term of office.	6. Effective rights of appeal to the regulatory authority shall be guaranteed for any complaints by the persons responsible for the management or members of the administrative bodies of the transmission system operator against premature terminations of their term of office.	6. Effective rights of appeal to the regulatory authority shall be guaranteed for any complaints by the persons responsible for the management or members of the administrative bodies of the transmission system operator against premature terminations of their term of office.	6. Effective rights of appeal to the regulatory authority shall be guaranteed for any complaints by the persons responsible for the management or members of the administrative bodies of the transmission system operator against premature terminations of their term of office. Text Origin: Commission Proposal
Article 59(7)				
758	7. After termination of their term of office in the transmission system	7. After termination of their term of office in the transmission system	7. After termination of their term of office in the transmission system	7. After termination of their term of office in the transmission system

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	operator, the persons responsible for its management or members of its administrative bodies shall have no professional position or responsibility, interest or business relationship with any part of the vertically integrated undertaking other than the transmission system operator, or with its controlling shareholders for a period of not less than four years.	operator, the persons responsible for its management or members of its administrative bodies shall have no professional position or responsibility, interest or business relationship with any part of the vertically integrated undertaking other than the transmission system operator, or with its controlling shareholders for a period of not less than four years.	operator, the persons responsible for its management or members of its administrative bodies shall have no professional position or responsibility, interest or business relationship with any part of the vertically integrated undertaking other than the transmission system operator, or with its controlling shareholders for a period of not less than four years.	operator, the persons responsible for its management or members of its administrative bodies shall have no professional position or responsibility, interest or business relationship with any part of the vertically integrated undertaking other than the transmission system operator, or with its controlling shareholders for a period of not less than four years. Text Origin: Commission Proposal
Article 59(8), first subparagraph				
759	8. Paragraph 3 shall apply to the majority of the persons responsible for the management or members of the administrative bodies of the transmission system operator.	8. Paragraph 3 shall apply to the majority of the persons responsible for the management or members of the administrative bodies of the transmission system operator.	8. Paragraph 3 shall apply to the majority of the persons responsible for the management or members of the administrative bodies of the transmission system operator.	8. Paragraph 3 shall apply to the majority of the persons responsible for the management or members of the administrative bodies of the transmission system operator. Text Origin: Commission Proposal
Article 59(8), second subparagraph				
760	The persons responsible for the management or members of the administrative bodies of the transmission system operator who are not subject to paragraph 3 shall	The persons responsible for the management or members of the administrative bodies of the transmission system operator who are not subject to paragraph 3 shall	The persons responsible for the management or members of the administrative bodies of the transmission system operator who are not subject to paragraph 3 shall	The persons responsible for the management or members of the administrative bodies of the transmission system operator who are not subject to paragraph 3 shall

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	have exercised no management or other relevant activity in the vertically integrated undertaking for a period of at least six months before their appointment.	have exercised no management or other relevant activity in the vertically integrated undertaking for a period of at least six months before their appointment.	have exercised no management or other relevant activity in the vertically integrated undertaking for a period of at least six months before their appointment.	have exercised no management or other relevant activity in the vertically integrated undertaking for a period of at least six months before their appointment. Text Origin: Commission Proposal
Article 59(8), third subparagraph				
761	The first subparagraph of this paragraph and paragraphs 4 to 7 shall be applicable to all the persons belonging to the executive management and to those directly reporting to them on matters related to the operation, maintenance or development of the network.	The first subparagraph of this paragraph and paragraphs 4 to 7 shall be applicable to all the persons belonging to the executive management and to those directly reporting to them on matters related to the operation, maintenance or development of the network.	The first subparagraph of this paragraph and paragraphs 4 to 7 shall be applicable to all the persons belonging to the executive management and to those directly reporting to them on matters related to the operation, maintenance or development of the network.	The first subparagraph of this paragraph and paragraphs 4 to 7 shall be applicable to all the persons belonging to the executive management and to those directly reporting to them on matters related to the operation, maintenance or development of the network. Text Origin: Commission Proposal
Article 60				
762	Article 60 Supervisory Body	Article 60 Supervisory Body	Article 60 Supervisory Body	Article 60 Supervisory Body Text Origin: Commission Proposal
Article 60(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
763	1. The transmission system operator shall have a Supervisory Body which shall be in charge of taking decisions which may have a significant impact on the value of the assets of the shareholders within the transmission system operator, in particular decisions regarding the approval of the annual and longer-term financial plans, the level of indebtedness of the transmission system operator and the amount of dividends distributed to shareholders. The decisions falling under the remit of the Supervisory Body shall exclude those that are related to the day to day activities of the transmission system operator and management of the network, and in relation to activities necessary for the preparation of the ten-year network development plan developed pursuant to Article 51.	1. The transmission system operator shall have a Supervisory Body which shall be in charge of taking decisions which may have a significant impact on the value of the assets of the shareholders within the transmission system operator, in particular decisions regarding the approval of the annual and longer-term financial plans, the level of indebtedness of the transmission system operator and the amount of dividends distributed to shareholders. The decisions falling under the remit of the Supervisory Body shall exclude those that are related to the day to day activities of the transmission system operator and management of the network, and in relation to activities necessary for the preparation of the ten-year network development plan developed pursuant to Article 51.	1. The transmission system operator shall have a Supervisory Body which shall be in charge of taking decisions which may have a significant impact on the value of the assets of the shareholders within the transmission system operator, in particular decisions regarding the approval of the annual and longer-term financial plans, the level of indebtedness of the transmission system operator and the amount of dividends distributed to shareholders. The decisions falling under the remit of the Supervisory Body shall exclude those that are related to the day to day activities of the transmission system operator and management of the network, and in relation to activities necessary for the preparation of the ten-year network development plan developed pursuant to Article 51.	1. The transmission system operator shall have a Supervisory Body which shall be in charge of taking decisions which may have a significant impact on the value of the assets of the shareholders within the transmission system operator, in particular decisions regarding the approval of the annual and longer-term financial plans, the level of indebtedness of the transmission system operator and the amount of dividends distributed to shareholders. The decisions falling under the remit of the Supervisory Body shall exclude those that are related to the day to day activities of the transmission system operator and management of the network, and in relation to activities necessary for the preparation of the ten-year network development plan developed pursuant to Article 51. Text Origin: Commission Proposal
Article 60(2)				
764	2. The Supervisory Body shall be composed of members representing	2. The Supervisory Body shall be composed of members representing	2. The Supervisory Body shall be composed of members representing	2. The Supervisory Body shall be composed of members representing

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the vertically integrated undertaking, members representing third party shareholders and, where the relevant legislation of a Member State so provides, members representing other interested parties such as employees of the transmission system operator.	the vertically integrated undertaking, members representing third party shareholders and, where the relevant legislation of a Member State so provides, members representing other interested parties such as employees of the transmission system operator.	the vertically integrated undertaking, members representing third party shareholders and, where the relevant legislation of a Member State so provides, members representing other interested parties such as employees of the transmission system operator.	the vertically integrated undertaking, members representing third party shareholders and, where the relevant legislation of a Member State so provides, members representing other interested parties such as employees of the transmission system operator. Text Origin: Commission Proposal
Article 60(3), first subparagraph				
765	3. Article 59(2), first subparagraph, and Article 59 (3) to (7) shall apply to at least half of the members of the Supervisory Body minus one.	3. Article 59(2), first subparagraph, and Article 59 (3) to (7) shall apply to at least half of the members of the Supervisory Body minus one.	3. Article 59(2), first subparagraph, and Article 59 (3) to (7) shall apply to at least half of the members of the Supervisory Body minus one.	3. Article 59(2), first subparagraph, and Article 59 (3) to (7) shall apply to at least half of the members of the Supervisory Body minus one. Text Origin: Commission Proposal
Article 60(3), second subparagraph				
766	Article 59(2), second subparagraph, point (b), shall apply to all the members of the Supervisory Body.	Article 59(2), second subparagraph, point (b), shall apply to all the members of the Supervisory Body.	Article 59(2), second subparagraph, point (b), shall apply to all the members of the Supervisory Body.	Article 59(2), second subparagraph, point (b), shall apply to all the members of the Supervisory Body. Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 61				
767	Article 61 Compliance programme and compliance officer	Article 61 Compliance programme and compliance officer	Article 61 Compliance programme and compliance officer	Article 61 Compliance programme and compliance officer Text Origin: Commission Proposal
Article 61(1)				
768	1. Member States shall ensure that transmission system operators establish and implement a compliance programme which sets out the measures taken in order to ensure that discriminatory conduct is excluded, and ensure that the compliance with that programme is adequately monitored. The compliance programme shall set out the specific obligations of employees to meet those objectives. It shall be subject to approval by the regulatory authority. Without prejudice to the powers of the national regulator, compliance with the program shall be independently monitored by a compliance officer.	1. Member States shall ensure that transmission system operators establish and implement a compliance programme which sets out the measures taken in order to ensure that discriminatory conduct is excluded, and ensure that the compliance with that programme is adequately monitored. The compliance programme shall set out the specific obligations of employees to meet those objectives. It shall be subject to approval by the regulatory authority. Without prejudice to the powers of the national regulator, compliance with the program shall be independently monitored by a compliance officer.	1. Member States shall ensure that transmission system operators establish and implement a compliance programme which sets out the measures taken in order to ensure that discriminatory conduct is excluded, and ensure that the compliance with that programme is adequately monitored. The compliance programme shall set out the specific obligations of employees to meet those objectives. It shall be subject to approval by the regulatory authority. Without prejudice to the powers of the national regulator, compliance with the program shall be independently monitored by a compliance officer.	1. Member States shall ensure that transmission system operators establish and implement a compliance programme which sets out the measures taken in order to ensure that discriminatory conduct is excluded, and ensure that the compliance with that programme is adequately monitored. The compliance programme shall set out the specific obligations of employees to meet those objectives. It shall be subject to approval by the regulatory authority. Without prejudice to the powers of the national regulator, compliance with the program shall be independently monitored by a compliance officer. Text Origin: Commission

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Proposal
Article 61(2)				
769	2. The compliance officer shall be appointed by the Supervisory Body, subject to the approval by the regulatory authority. The regulatory authority may refuse the approval of the compliance officer only for reasons of lack of independence or professional capacity. The compliance officer may be a natural or legal person. Article 59(2) to (8) shall apply to the compliance officer.	2. The compliance officer shall be appointed by the Supervisory Body, subject to the approval by the regulatory authority. The regulatory authority may refuse the approval of the compliance officer only for reasons of lack of independence or professional capacity. The compliance officer may be a natural or legal person. Article 59(2) to (8) shall apply to the compliance officer.	2. The compliance officer shall be appointed by the Supervisory Body, subject to the approval by the regulatory authority. The regulatory authority may refuse the approval of the compliance officer only for reasons of lack of independence or professional capacity. The compliance officer may be a natural or legal person. Article 59(2) to (8) shall apply to the compliance officer.	2. The compliance officer shall be appointed by the Supervisory Body, subject to the approval by the regulatory authority. The regulatory authority may refuse the approval of the compliance officer only for reasons of lack of independence or professional capacity. The compliance officer may be a natural or legal person. Article 59(2) to (8) shall apply to the compliance officer. Text Origin: Commission Proposal
Article 61(3)				
770	3. The compliance officer shall be in charge of:	3. The compliance officer shall be in charge of:	3. The compliance officer shall be in charge of:	3. The compliance officer shall be in charge of: Text Origin: Commission Proposal
Article 61(3), point (a)				
771	(a) monitoring the implementation of the compliance programme;	(a) monitoring the implementation of the compliance programme;	(a) monitoring the implementation of the compliance programme;	(a) monitoring the implementation of the compliance programme;

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 61(3), point (b)				
772	(b) elaborating an annual report, setting out the measures taken in order to implement the compliance programme and submitting it to the regulatory authority;	(b) elaborating an annual report, setting out the measures taken in order to implement the compliance programme and submitting it to the regulatory authority;	(b) elaborating an annual report, setting out the measures taken in order to implement the compliance programme and submitting it to the regulatory authority;	(b) elaborating an annual report, setting out the measures taken in order to implement the compliance programme and submitting it to the regulatory authority; Text Origin: Commission Proposal
Article 61(3), point (c)				
773	(c) reporting to the Supervisory Body and issuing recommendations on the compliance programme and its implementation;	(c) reporting to the Supervisory Body and issuing recommendations on the compliance programme and its implementation;	(c) reporting to the Supervisory Body and issuing recommendations on the compliance programme and its implementation;	(c) reporting to the Supervisory Body and issuing recommendations on the compliance programme and its implementation; Text Origin: Commission Proposal
Article 61(3), point (d)				
774	(d) notifying the regulatory authority on any substantial breaches with regard to the implementation of the compliance	(d) notifying the regulatory authority on any substantial breaches with regard to the implementation of the compliance	(d) notifying the regulatory authority on any substantial breaches with regard to the implementation of the compliance	(d) notifying the regulatory authority on any substantial breaches with regard to the implementation of the compliance

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	programme;	programme;	programme;	programme; Text Origin: Commission Proposal
Article 61(3), point (e)				
775	(e) reporting to the regulatory authority on any commercial and financial relations between the vertically integrated undertaking and the transmission system operator.	(e) reporting to the regulatory authority on any commercial and financial relations between the vertically integrated undertaking and the transmission system operator.	(e) reporting to the regulatory authority on any commercial and financial relations between the vertically integrated undertaking and the transmission system operator.	(e) reporting to the regulatory authority on any commercial and financial relations between the vertically integrated undertaking and the transmission system operator. Text Origin: Commission Proposal
Article 61(4)				
776	4. The compliance officer shall submit the proposed decisions on the investment plan or on individual investments in the network to the regulatory authority. This shall occur at the latest when the management or the competent administrative body of the transmission system operator submits them to the Supervisory Body.	4. The compliance officer shall submit the proposed decisions on the investment plan or on individual investments in the network to the regulatory authority. This shall occur at the latest when the management or the competent administrative body of the transmission system operator submits them to the Supervisory Body.	4. The compliance officer shall submit the proposed decisions on the investment plan or on individual investments in the network to the regulatory authority. This shall occur at the latest when the management or the competent administrative body of the transmission system operator submits them to the Supervisory Body.	4. The compliance officer shall submit the proposed decisions on the investment plan or on individual investments in the network to the regulatory authority. This shall occur at the latest when the management or the competent administrative body of the transmission system operator submits them to the Supervisory Body. Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 61(5)			
777	5. Where the vertically integrated undertaking, in the general assembly or through the vote of the members of the Supervisory Body it has appointed, has prevented the adoption of a decision with the effect of preventing or delaying investments, which under the ten-year network development plan, was to be executed in the following three years, the compliance officer shall report this to the regulatory authority, which then shall act in accordance with Article 51.	5. Where the vertically integrated undertaking, in the general assembly or through the vote of the members of the Supervisory Body it has appointed, has prevented the adoption of a decision with the effect of preventing or delaying investments, which under the ten-year network development plan, was to be executed in the following three years, the compliance officer shall report this to the regulatory authority, which then shall act in accordance with Article 51.	5. Where the vertically integrated undertaking, in the general assembly or through the vote of the members of the Supervisory Body it has appointed, has prevented the adoption of a decision with the effect of preventing or delaying investments, which under the ten-year network development plan, was to be executed in the following three years, the compliance officer shall report this to the regulatory authority, which then shall act in accordance with Article 51.	5. Where the vertically integrated undertaking, in the general assembly or through the vote of the members of the Supervisory Body it has appointed, has prevented the adoption of a decision with the effect of preventing or delaying investments, which under the ten-year network development plan, was to be executed in the following three years, the compliance officer shall report this to the regulatory authority, which then shall act in accordance with Article 51. Text Origin: Commission Proposal
	Article 61(7)			
779	7. The compliance officer shall report regularly, either orally or in writing, to the regulatory authority and shall have the right to report regularly, either orally or in writing, to the Supervisory Body of the transmission system operator.	7. The compliance officer shall report regularly, either orally or in writing, to the regulatory authority and shall have the right to report regularly, either orally or in writing, to the Supervisory Body of the transmission system operator.	7. The compliance officer shall report regularly, either orally or in writing, to the regulatory authority and shall have the right to report regularly, either orally or in writing, to the Supervisory Body of the transmission system operator.	7. The compliance officer shall report regularly, either orally or in writing, to the regulatory authority and shall have the right to report regularly, either orally or in writing, to the Supervisory Body of the transmission system operator. Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 61(8)			
780	8. The compliance officer may attend all meetings of the management or administrative bodies of the transmission system operator, and those of the Supervisory Body and the general assembly. The compliance officer shall attend all meetings that address the following matters:	8. The compliance officer may attend all meetings of the management or administrative bodies of the transmission system operator, and those of the Supervisory Body and the general assembly. The compliance officer shall attend all meetings that address the following matters:	8. The compliance officer may attend all meetings of the management or administrative bodies of the transmission system operator, and those of the Supervisory Body and the general assembly. The compliance officer shall attend all meetings that address the following matters:	8. The compliance officer may attend all meetings of the management or administrative bodies of the transmission system operator, and those of the Supervisory Body and the general assembly. The compliance officer shall attend all meetings that address the following matters: Text Origin: Commission Proposal
	Article 61(8), point (a)			
781	(a) conditions for access to the network, as defined in [recast Gas Regulation as proposed in COM(2021)xxx], in particular regarding tariffs, third party access services, capacity allocation and congestion management, transparency, balancing and secondary markets;	(a) conditions for access to the network, as defined in [recast Gas Regulation as proposed in COM(2021)xxx], in particular regarding tariffs, third party access services, capacity allocation and congestion management, transparency, balancing and secondary markets;	(a) conditions for access to the network, as defined in [recast Gas Regulation as proposed in COM(2021)xxx 804], in particular regarding tariffs, third party access services, capacity allocation and congestion management, transparency, balancing and secondary markets;	(a) conditions for access to the network, as defined in [recast Gas Regulation as proposed in COM(2021)xxx 804], in particular regarding tariffs, third party access services, capacity allocation and congestion management, transparency, balancing and secondary markets; Text Origin: Council Mandate
	Article 61(8), point (b)			
782				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(b) projects undertaken in order to operate, maintain and develop the transmission system, including investments in new transport connections, in expansion of capacity and in optimisation of existing capacity;	(b) projects undertaken in order to operate, maintain and develop the transmission system, including investments in new transport connections, in expansion of capacity and in optimisation of existing capacity;	(b) projects undertaken in order to operate, maintain and develop the transmission system, including investments in new transport connections, in expansion of capacity and in optimisation of existing capacity;	(b) projects undertaken in order to operate, maintain and develop the transmission system, including investments in new transport connections, in expansion of capacity and in optimisation of existing capacity; Text Origin: Commission Proposal
Article 61(8), point (c)				
783	(c) energy purchases or sales necessary for the operation of the transmission system.	(c) energy purchases or sales necessary for the operation of the transmission system.	(c) energy purchases or sales necessary for the operation of the transmission system.	(c) energy purchases or sales necessary for the operation of the transmission system. Text Origin: Commission Proposal
Article 61(9)				
784	9. The compliance officer shall monitor the compliance of the transmission system operator with Article 36.	9. The compliance officer shall monitor the compliance of the transmission system operator with Article 36.	9. The compliance officer shall monitor the compliance of the transmission system operator with Article 36.	9. The compliance officer shall monitor the compliance of the transmission system operator with Article 36. Text Origin: Commission Proposal
Article 61(10)				
785				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	10. The compliance officer shall have access to all relevant data and to the offices of the transmission system operator and to all the information necessary for the fulfilment of his task.	10. The compliance officer shall have access to all relevant data and to the offices of the transmission system operator and to all the information necessary for the fulfilment of his task.	10. The compliance officer shall have access to all relevant data and to the offices of the transmission system operator and to all the information necessary for the fulfilment of his task.	10. The compliance officer shall have access to all relevant data and to the offices of the transmission system operator and to all the information necessary for the fulfilment of his task. Text Origin: Commission Proposal
Article 61(11)				
786	11. After prior approval by the regulatory authority, the Supervisory Body may dismiss the compliance officer. It shall dismiss the compliance officer for reasons of lack of independence or professional capacity upon request of the regulatory authority.	11. After prior approval by the regulatory authority, the Supervisory Body may dismiss the compliance officer. It shall dismiss the compliance officer for reasons of lack of independence or professional capacity upon request of the regulatory authority.	11. After prior approval by the regulatory authority, the Supervisory Body may dismiss the compliance officer. It shall dismiss the compliance officer for reasons of lack of independence or professional capacity upon request of the regulatory authority.	11. After prior approval by the regulatory authority, the Supervisory Body may dismiss the compliance officer. It shall dismiss the compliance officer for reasons of lack of independence or professional capacity upon request of the regulatory authority. Text Origin: Commission Proposal
Article 61(12)				
787	12. The compliance officer shall have access to the offices of the transmission system operator without prior announcement.	12. The compliance officer shall have access to the offices of the transmission system operator without prior announcement.	12. The compliance officer shall have access to the offices of the transmission system operator without prior announcement.	12. The compliance officer shall have access to the offices of the transmission system operator without prior announcement. Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Section 4			
788	Section 4 Unbundling of dedicated hydrogen network operators	Section 4 Unbundling of dedicated hydrogen network operators	Section 4 Unbundling of dedicated hydrogen network operators	Section 4 Unbundling of dedicated hydrogen network operators Text Origin: Commission Proposal
	Article 62			
789	Article 62 Unbundling of hydrogen network operators	Article 62 Unbundling of hydrogen <i>transmission</i> network operators	Article 62 Unbundling of hydrogen network operators	Article 62 Unbundling of hydrogen <i>transmission</i> network operators 13.11.2023 Provisionally agreed Text Origin: EP Mandate
	Article 62(1)			
790	1. Member States shall ensure that from [end of transposition period+1year] hydrogen network operators are unbundled in accordance with the rules for natural gas transmission system operators set out in Article 54(1) to (3).	1. Member States shall ensure that from ... [end of transposition period+1year] hydrogen <i>transmission</i> network operators are unbundled in accordance with the rules for natural gas transmission system operators set out in Article 54(1) to (3).	1. Member States shall ensure that from [end of transposition period+1year] hydrogen network operators are unbundled in accordance with the rules for natural gas transmission system operators set out in Article 54(1) to (3), (6), (7) and (12) .	1. Member States shall ensure that from [end of transposition period+1year] hydrogen <i>transmission</i> network operators are unbundled in accordance with the rules for natural gas transmission system operators set out in Article 54(1) to (3), (6), (7) and (12). 13.11.2023 Provisionally agreed

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 62(2)			
791	2. For the purpose of this Article, of Articles 42 and 54, and of Articles 35 and 43 of Directive (EU) 2019/944, ‘production or supply’ shall include production and supply of hydrogen, and ‘transmission’ shall include transport of hydrogen.	2. For the purpose of this Article, of Articles 42 and 54 <i>of this Directive</i> , and of Articles 35 and 43 of Directive (EU) 2019/944, ‘production or supply’ shall include production and supply of hydrogen, and ‘transmission’ shall include transport of hydrogen <i>through a network which mainly contains high-pressure pipelines</i> .	2. For the purpose of this Article, of Articles 42 and 54, and of Articles 35 and 43 of Directive (EU) 2019/944, ‘production or supply’ shall include production and supply of hydrogen, and ‘transmission’ shall include transport of hydrogen.	2. For the purpose of this Article, of Articles 42 and 54 <i>of this Directive</i> , and of Articles 35 and 43 of Directive (EU) 2019/944, ‘production or supply’ shall include production and supply of hydrogen, and ‘transmission’ shall include transport of hydrogen. 13.11.2023 Provisionally agreed
	Article 62(3)			
792	3. Where on [entry into force] the hydrogen network belonged to a vertically integrated undertaking, a Member State may decide not to apply paragraph 1. In such case, the Member State concerned shall designate an independent hydrogen network operator unbundled in accordance with the rules on independent system operators for natural gas set out Article 55. Hydrogen network operators and transmission system operators for gas unbundled in accordance with Article 54(1) can act as independent hydrogen network	3. Where on ... [<i>date of</i> entry into force <i>of this Directive</i>] the hydrogen network belonged to a vertically integrated undertaking, a Member State may decide not to apply paragraph 1. In such <i>a</i> case, the Member State concerned shall designate an independent hydrogen <i>transmission</i> network operator unbundled in accordance with the rules on independent system operators for natural gas set out Article 55. Hydrogen <i>transmission</i> network operators and transmission system operators for gas unbundled in accordance with Article 54(1)	3. ~~Where on [entry into force] the~~ For hydrogen network ~~belonged~~ networks belonging to a vertically integrated undertaking, a Member State may decide not to apply paragraph 1. In such case, the Member State concerned shall designate an independent hydrogen network operator unbundled in accordance with the rules on independent system operators for natural gas set out in Article 55. Hydrogen network operators and transmission system operators for gas unbundled in accordance with Article 54(1) ~~can~~ may act as	3. ~~Where on [entry into force] the~~ For hydrogen ~~network belonged~~ networks belonging to a vertically integrated undertaking, a Member State may decide not to apply paragraph 1. In such case, the Member State concerned shall designate an independent hydrogen <i>transmission</i> network operator unbundled in accordance with the rules on independent system operators for natural gas set out <i>in</i> Article 55. Hydrogen <i>transmission</i> network operators and transmission system operators for gas unbundled in accordance with Article 54(1)

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	operator, subject to the requirements pursuant to Article 63.	can act as independent hydrogen transmission network operator	independent hydrogen network operator, subject to the requirements pursuant to Article 63.	~~can~~ may act as independent hydrogen transmission network operator, subject to the requirements pursuant to Article 63. 13.11.2023 Provisionally agreed
Article 62(5)				
794	5. The rules applicable to transmission system operators set out in Article 66 shall apply to hydrogen network operators.	5. The rules applicable to transmission system operators set out in Articles 65 and 66 shall apply to hydrogen transmission network operators.	5. The rules applicable to transmission system operators set out in Article 66 shall apply to hydrogen network operators.	5. The rules applicable to transmission system operators set out in Article 66 shall apply to hydrogen transmission network operators. 13.11.2023 Provisionally agreed
Article 64				
797	Article 64 Unbundling of accounts for hydrogen system operators	Article 64 Unbundling of accounts for hydrogen network operators	Article 64 Unbundling of accounts for hydrogen system operators	Article 64 Unbundling of accounts for hydrogen ~~system~~ network operators Text Origin: EP Mandate
Article 64, first paragraph				
798	Member States shall ensure that the accounts of hydrogen system operators are kept in accordance	Member States shall ensure that the accounts of hydrogen network operators are kept in accordance	Member States shall ensure that the accounts of hydrogen system operators are kept in accordance	Member States shall ensure that the accounts of hydrogen ~~system~~ network operators are kept in

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	with Article 69.	with Article 69.	with Article 69.	accordance with Article 69. Text Origin: EP Mandate
Section 5				
799	Section 5 DESIGNATION AND CERTIFICATION OF NATURAL GAS AND HYDROGEN NETWORK OPERATORS	Section 5 DESIGNATION AND CERTIFICATION OF NATURAL GAS AND HYDROGEN NETWORK OPERATORS	Section 5 DESIGNATION AND CERTIFICATION OF NATURAL GAS AND HYDROGEN NETWORK OPERATORS	Section 5 DESIGNATION AND CERTIFICATION OF NATURAL GAS AND HYDROGEN NETWORK OPERATORS Text Origin: Commission Proposal
Article 65				
800	Article 65 Designation and certification of transmission system operators and hydrogen network operators	Article 65 Designation and certification of transmission system operators and hydrogen network operators	Article 65 Designation and certification of transmission system operators and hydrogen network operators	Article 65 Designation and certification of transmission system operators and hydrogen network operators Text Origin: Commission Proposal
Article 65(1)				
801	1. Before an undertaking is approved and designated as transmission system operator or hydrogen network operator, it shall be certified according to the procedures laid down in paragraphs	1. Before an undertaking is approved and designated as transmission system operator or hydrogen network operator, it shall be certified according to the procedures laid down in paragraphs	1. Before an undertaking is approved and designated as transmission system operator or hydrogen network operator, it shall be certified according to the procedures laid down in paragraphs	1. Before an undertaking is approved and designated as transmission system operator or hydrogen network operator, it shall be certified according to the procedures laid down in paragraphs

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	4, 5 and 6 of this Article and in Article 13 of [recast Gas Regulation proposed by COM(2021) xxx].	4, 5 and 6 of this Article and in Article 13 of [recast Gas Regulation proposed by COM(2021) xxx].	4, 5 and 6 of this Article and in Article 13 of [recast Gas Regulation proposed by COM(2021)- ~~xxx~~ 804].	4, 5 and 6 of this Article and in Article 13 of [recast Gas Regulation proposed by COM(2021)- ~~xxx~~ <u>804</u>]. Text Origin: Council Mandate
Article 65(2)				
802	2. Undertakings which have been certified by the regulatory authority as having complied with the requirements of Article 54 or 62, pursuant to the certification procedure, shall be approved and designated as transmission system operators or hydrogen network operators by Member States. The designation of transmission system operators and hydrogen network operators shall be notified to the Commission and published in the Official Journal of the European Union.	2. Undertakings which have been certified by the regulatory authority as having complied with the requirements of Article 54 or 62, pursuant to the certification procedure, shall be approved and designated as transmission system operators or hydrogen network operators by Member States. The designation of transmission system operators and hydrogen network operators shall be notified to the Commission and published in the Official Journal of the European Union.	2. Undertakings which have been certified by the regulatory authority as having complied with the requirements of Article 54 or 62, pursuant to the certification procedure, shall be approved and designated as transmission system operators or hydrogen network operators by Member States. The designation of transmission system operators and hydrogen network operators shall be notified to the Commission and published in the Official Journal of the European Union.	2. Undertakings which have been certified by the regulatory authority as having complied with the requirements of Article 54 or 62, pursuant to the certification procedure, shall be approved and designated as transmission system operators or hydrogen network operators by Member States. The designation of transmission system operators and hydrogen network operators shall be notified to the Commission and published in the Official Journal of the European Union. Text Origin: Commission Proposal
Article 65(3)				
803	3. Certified undertakings shall notify to the regulatory authority any planned transaction which may	3. Certified undertakings shall notify to the regulatory authority any planned transaction which may	3. Certified undertakings shall notify to the regulatory authority any planned transaction which may	3. Certified undertakings shall notify to the regulatory authority any planned transaction which may

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	require a reassessment of their compliance with the requirements of Article 54 or Article 62.	require a reassessment of their compliance with the requirements of Article 54 or Article 62.	require a reassessment of their compliance with the requirements of Article 54 or Article 62.	require a reassessment of their compliance with the requirements of Article 54 or Article 62. Text Origin: Commission Proposal
Article 65(4)				
804	4. The regulatory authorities shall monitor the continuing compliance of certified undertakings with the requirements of Article 54 or Article 62. They shall open a certification procedure to ensure such compliance:	4. The regulatory authorities shall monitor the continuing compliance of certified undertakings with the requirements of Article 54 or Article 62. They shall open a certification procedure to ensure such compliance:	4. The regulatory authorities shall monitor the continuing compliance of certified undertakings with the requirements of Article 54 or Article 62. They shall open a certification procedure to ensure such compliance:	4. The regulatory authorities shall monitor the continuing compliance of certified undertakings with the requirements of Article 54 or Article 62. They shall open a certification procedure to ensure such compliance: Text Origin: Commission Proposal
Article 65(4), point (a)				
805	(a) upon notification by the of certified undertaking pursuant to paragraph 3;	(a) upon notification by the of certified undertaking pursuant to paragraph 3;	(a) upon notification by the of certified undertaking pursuant to paragraph 3;	(a) upon notification by the of certified undertaking pursuant to paragraph 3; Text Origin: Commission Proposal
Article 65(4), point (b)				
806	(b) on their own initiative where	(b) on their own initiative where	(b) on their own initiative where	(b) on their own initiative where

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	they have knowledge that a planned change in rights or influence over certified undertakings or transmission system owners may lead to an infringement of Article 54 or Article 62 or where they have reason to believe that such an infringement may have occurred; or	they have knowledge that a planned change in rights or influence over certified undertakings or transmission system owners may lead to an infringement of Article 54 or Article 62 or where they have reason to believe that such an infringement may have occurred; or	they have knowledge that a planned change in rights or influence over certified undertakings or transmission system owners may lead to an infringement of Article 54 or Article 62 or where they have reason to believe that such an infringement may have occurred; or	they have knowledge that a planned change in rights or influence over certified undertakings or transmission system owners may lead to an infringement of Article 54 or Article 62 or where they have reason to believe that such an infringement may have occurred; or Text Origin: Commission Proposal
Article 65(4), point (c)				
807	(c) upon a reasoned request from the Commission.	(c) upon a reasoned request from the Commission.	(c) upon a reasoned request from the Commission.	(c) upon a reasoned request from the Commission. Text Origin: Commission Proposal
Article 65(5)				
808	5. The regulatory authorities shall adopt a decision on the certification of a natural gas transmission system operator or a hydrogen network operator within 100 working days from the date of the notification by the natural gas transmission system operator or the hydrogen network operator or from	5. The regulatory authorities shall adopt a decision on the certification of a natural gas transmission system operator or a hydrogen network operator within 100 working days from the date of the notification by the natural gas transmission system operator or the hydrogen network operator or from	5. The regulatory authorities shall adopt a decision on the certification of a natural gas transmission system operator or a hydrogen network operator within 100 working days from the date of the notification by the natural gas transmission system operator or the hydrogen network operator or from	5. The regulatory authorities shall adopt a decision on the certification of a ~~natural gas~~ transmission system operator or a hydrogen network operator within 100 working days from the date of the notification by ~~the natural gas~~ transmission system operator or the hydrogen network operator or from

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the date of the Commission request. After expiry of that period, the certification shall be deemed to be granted. The explicit or tacit decision of the regulatory authority shall become effective only after the conclusion of the procedure set out in paragraph 6.	the date of the Commission request. After expiry of that period, the certification shall be deemed to be granted. The explicit or tacit decision of the regulatory authority shall become effective only after the conclusion of the procedure set out in paragraph 6.	the date of the Commission request. After expiry of that period, the certification shall be deemed to be granted. The explicit or tacit decision of the regulatory authority shall become effective only after the conclusion of the procedure set out in paragraph 6.	the date of the Commission request. After expiry of that period, the certification shall be deemed to be granted. The explicit or tacit decision of the regulatory authority shall become effective only after the conclusion of the procedure set out in paragraph 6. Text Origin: Council Mandate
Article 65(6)				
809	6. The explicit or tacit decision on the certification shall be notified without delay to the Commission by the regulatory authority, together with all the relevant information with respect to that decision. The Commission shall act in accordance with the procedure laid down in Article 13 of [recast Gas Regulation proposed by COM(2021) xxx].	6. The explicit or tacit decision on the certification shall be notified without delay to the Commission by the regulatory authority, together with all the relevant information with respect to that decision. The Commission shall act in accordance with the procedure laid down in Article 13 of [recast Gas Regulation proposed by COM(2021) xxx].	6. The explicit or tacit decision on the certification shall be notified without delay to the Commission by the regulatory authority, together with all the relevant information with respect to that decision. The Commission shall act in accordance with the procedure laid down in Article 13 of [recast Gas Regulation proposed by COM(2021)- ~~xxx~~ 804].	6. The explicit or tacit decision on the certification shall be notified without delay to the Commission by the regulatory authority, together with all the relevant information with respect to that decision. The Commission shall act in accordance with the procedure laid down in Article 13 of [recast Gas Regulation proposed by COM(2021)- ~~xxx~~ 804]. Text Origin: Council Mandate
Article 65(7)				
810	7. The regulatory authorities and the Commission may request from transmission system operators,	7. The regulatory authorities and the Commission may request from transmission system operators,	7. The regulatory authorities and the Commission may request from transmission system operators,	7. The regulatory authorities and the Commission may request from transmission system operators,

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	hydrogen network operators and undertakings performing any of the functions of production or supply any information relevant for the fulfilment of their tasks under this Article.	hydrogen network operators and undertakings performing any of the functions of production or supply any information relevant for the fulfilment of their tasks under this Article.	hydrogen network operators and undertakings performing any of the functions of production or supply any information relevant for the fulfilment of their tasks under this Article.	hydrogen network operators and undertakings performing any of the functions of production or supply any information relevant for the fulfilment of their tasks under this Article. Text Origin: Commission Proposal
Article 65(8)				
811	8. The regulatory authorities and the Commission shall preserve the confidentiality of commercially sensitive information.	8. The regulatory authorities and the Commission shall preserve the confidentiality of commercially sensitive information.	8. The regulatory authorities and the Commission shall preserve the confidentiality of commercially sensitive information.	8. The regulatory authorities and the Commission shall preserve the confidentiality of commercially sensitive information. Text Origin: Commission Proposal
Article 66				
812	Article 66 Certification in relation to third countries	Article 66 Certification in relation to third countries	Article 66 Certification in relation to third countries	Article 66 Certification in relation to third countries 6.11.2023 provisionally agreed Text Origin: Commission Proposal
Article 66(1), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
813	1. Where certification is requested by a transmission system owner, a transmission system operator, a hydrogen network operator or a hydrogen network owner which is controlled by a person or persons from a third country or third countries, the regulatory authority shall notify the Commission.	1. Where certification is requested by a transmission system owner, a transmission system operator, a hydrogen network operator or a hydrogen network owner which is controlled by a person or persons from a third country or third countries, the regulatory authority shall notify the Commission.	1. Where certification is requested by a transmission system owner, a transmission system operator, a hydrogen network operator or a hydrogen network owner which is controlled by a person or persons from a third country or third countries, the regulatory authority shall notify the Commission.	1. Where certification is requested by a transmission system owner, a transmission system operator, a hydrogen network operator or a hydrogen network owner which is controlled by a person or persons from a third country or third countries, the regulatory authority shall notify the Commission. Text Origin: Commission Proposal
Article 66(1), second subparagraph				
814	The regulatory authority shall also notify to the Commission without delay any circumstances that would result in a person or persons from a third country or third countries acquiring control of a transmission system, a transmission system operator, a hydrogen network or a hydrogen network operator.	The regulatory authority shall also notify to the Commission without delay any circumstances that would result in a person or persons from a third country or third countries acquiring control of a transmission system, a transmission system operator, a hydrogen network or a hydrogen network operator.	The regulatory authority shall also notify to the Commission without delay any circumstances that would result in a person or persons from a third country or third countries acquiring control of a transmission system, a transmission system operator, a hydrogen network or a hydrogen network operator.	The regulatory authority shall also notify to the Commission without delay any circumstances that would result in a person or persons from a third country or third countries acquiring control of a transmission system, a transmission system operator, a hydrogen network or a hydrogen network operator. Text Origin: Commission Proposal
Article 66(2)				
815	2. The transmission system operator or hydrogen network	2. The transmission system operator or hydrogen network	2. The transmission system operator or hydrogen network	2. The transmission system operator or hydrogen network

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	operator shall notify to the regulatory authority any circumstances that would result in a person or persons from a third country or third countries acquiring control of the transmission system or the transmission system operator or of the hydrogen network or the hydrogen network operator.	operator shall notify to the regulatory authority any circumstances that would result in a person or persons from a third country or third countries acquiring control of the transmission system or the transmission system operator or of the hydrogen network or the hydrogen network operator.	operator shall notify to the regulatory authority any circumstances that would result in a person or persons from a third country or third countries acquiring control of the transmission system or the transmission system operator or of the hydrogen network or the hydrogen network operator .	operator shall notify to the regulatory authority any circumstances that would result in a person or persons from a third country or third countries acquiring control of the transmission system or the transmission system operator or of the hydrogen network or the hydrogen network operator. Text Origin: Commission Proposal
Article 66(3)				
816	3. The regulatory authority shall adopt a draft decision on the certification of a transmission system operator or hydrogen network operator within 100 working days from the date of notification by the transmission system operator or hydrogen network operator. It shall refuse the certification if it has not been demonstrated:	3. The regulatory authority shall adopt a draft decision on the certification of a transmission system operator or hydrogen network operator within 100 working days from the date of notification by the transmission system operator or hydrogen network operator. It shall refuse the certification if it has not been demonstrated:	3. The regulatory authority shall adopt a draft decision on the certification of a transmission system operator or hydrogen network operator within 100 working days from the date of notification by the transmission system operator or hydrogen network operator. It shall refuse the certification if it has not been demonstrated:	3. The regulatory authority shall adopt a draft decision on the certification of a transmission system operator or hydrogen network operator within 100 working days from the date of notification by the transmission system operator or hydrogen network operator. It shall refuse the certification if it has not been demonstrated: Text Origin: Commission Proposal
Article 66(3), point (a)				
817	(a) that the entity concerned	(a) that the entity concerned	(a) that the entity concerned	(a) that the entity concerned

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	complies with the requirements of Article 54 or Article 62; and	complies with the requirements of Article 54 or Article 62; and	complies with the requirements of Article 54 or Article 62; and	complies with the requirements of Article 54 or Article 62; and Text Origin: Commission Proposal
Article 66(3), point (b)				
818	(b) to the regulatory authority or to another competent authority designated by the Member State that granting certification will not put at risk the security of energy supply of the Member State and the Union. In considering that question the regulatory authority or other competent authority so designated shall take into account:	(b) to the regulatory authority or to another competent authority designated by the Member State that granting certification will not put at risk the security of energy supply of the Member State <i>or the</i> Union. In considering that question the regulatory authority or other competent authority so designated shall take into account:	(b) to the regulatory authority or to another competent authority designated by the Member State that granting certification will not put at risk the security of energy supply of the Member State and the Union. In considering that question the regulatory authority or other competent authority so designated shall take into account:	(b) to the regulatory authority or to another competent authority designated by the Member State that granting certification will not put at risk the security of energy supply <i>or the essential security interests</i> of the Member State and the Union. In considering that question the regulatory authority or other competent authority so designated shall take into account: 6.11.2023 provisionally agreed
Article 66(3), point (b)(i)				
819	(i) the rights and obligations of the Union with respect to that 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 issues of security of energy supply;	(i) the rights and obligations of the Union with respect to that 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 issues of security of energy supply;	(i) the rights and obligations of the Union with respect to that 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 issues of security of energy supply;	(i) the rights and obligations of the Union with respect to that 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 issues of security of energy supply;

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
	Article 66(3), point (b)(ii)			
820	(ii) the rights and obligations of the Member State with respect to that third country arising under agreements concluded with it, insofar as they are in compliance with Union law;	(ii) the rights and obligations of the Member State with respect to that third country arising under agreements concluded with it, insofar as they are in compliance with Union law;	(ii) the rights and obligations of the Member State with respect to that third country arising under agreements concluded with it, insofar as they are in compliance with Union law;	(ii) the rights and obligations of the Member State with respect to that third country arising under agreements concluded with it, insofar as they are in compliance with Union law; Text Origin: Commission Proposal
	Article 66(3), point (b)(iia)			
820a		<i>(iia) evidence of that third country's implementation of its obligations as energy supplier in a fair, transparent, credible and unbiased manner, and any Union-wide penalties imposed on that third country;</i>		<u>(iia) ownership, supply or other commercial relationships that could negatively affect the incentives and the ability of the transmission system owner, the transmission system operator, the hydrogen transmission network owner or the hydrogen transmission network operator to deliver gas or hydrogen to the Member State or the Union</u> 6.11.2023 provisionally agreed + COM to draft a recital on weaponization.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 66(3), point (b)(iii)				
821	(iii) other specific facts and circumstances of the case and the third country concerned.	(iii) other specific facts and circumstances of the case and the third country concerned.	(iii) other specific facts and circumstances of the case and the third country concerned.	(iii) other specific facts and circumstances of the case and the third country concerned. Text Origin: Commission Proposal
Article 66(4)				
822	4. The regulatory authority shall notify the decision to the Commission without delay, together with all the relevant information with respect to that decision.	4. The regulatory authority shall notify the decision to the Commission without delay, together with all the relevant information with respect to that decision.	4. The regulatory authority shall notify the decision to the Commission without delay, together with all the relevant information with respect to that decision.	4. The regulatory authority shall notify the decision to the Commission without delay, together with all the relevant information with respect to that decision. Text Origin: Commission Proposal
Article 66(5)				
823	5. Member States shall provide for the regulatory authority or the designated competent authority referred to in paragraph 3, point (b), before the regulatory authority adopts a decision on the certification, to request an opinion from the Commission on whether:	5. Member States shall provide for the regulatory authority or the designated competent authority referred to in paragraph 3, point (b), before the regulatory authority adopts a decision on the certification, to request an opinion from the Commission on whether:	5. Member States shall provide for the regulatory authority or the designated competent authority referred to in paragraph 3, point (b), before the regulatory authority adopts a decision on the certification, to request an opinion from the Commission on whether:	5. Member States shall provide for the regulatory authority or the designated competent authority referred to in paragraph 3, point (b), before the regulatory authority adopts a decision on the certification, to request an opinion from the Commission on whether: Text Origin: Commission

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Proposal
Article 66(5), point (a)				
824	(a) the entity concerned complies with the requirements of Article 54 or Article 62; and	(a) the entity concerned complies with the requirements of Article 54 or Article 62; and	(a) the entity concerned complies with the requirements of Article 54 or Article 62; and	(a) the entity concerned complies with the requirements of Article 54 or Article 62; and Text Origin: Commission Proposal
Article 66(5), point (b)				
825	(b) granting certification will not put at risk the security of energy supply to the Union.	(b) granting certification will not put at risk the security of energy supply to the Union.	(b) granting certification will not put at risk the security of energy supply to the Union.	(b) granting certification will not put at risk the security of energy supply to the Union. Text Origin: Commission Proposal
Article 66(6), first subparagraph				
826	6. The Commission shall examine the request referred to in paragraph 5 as soon as it is received. Within a period of 50 working days after receiving the request, it shall deliver its opinion to the regulatory authority or, if the request was made by the designated competent authority, to that authority.	6. The Commission shall examine the request referred to in paragraph 5 as soon as it is received. Within a period of 50 working days after receiving the request, it shall deliver its opinion to the regulatory authority or, if the request was made by the designated competent authority, to that authority.	6. The Commission shall examine the request referred to in paragraph 5 as soon as it is received. Within a period of 50 working days after receiving the request, it shall deliver its opinion to the regulatory authority or, if the request was made by the designated competent authority, to that authority.	6. The Commission shall examine the request referred to in paragraph 5 as soon as it is received. Within a period of 50 working days after receiving the request, it shall deliver its opinion to the regulatory authority or, if the request was made by the designated competent authority, to that authority.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 66(6), second subparagraph				
827	In preparing the opinion, the Commission may request the views of ACER, the Member State concerned, and interested parties. In the event that the Commission makes such a request, the 50 working days period shall be extended by further 50 working days.	In preparing the opinion, the Commission may request the views of ACER, the Member State concerned, and interested parties. In the event that the Commission makes such a request, the 50 working days period shall be extended by further 50 working days.	In preparing the opinion, the Commission may request the views of ACER, the Member State concerned, and interested parties. In the event that the Commission makes such a request, the 50 working days period shall be extended by further 50 working days .	In preparing the opinion, the Commission may request the views of ACER, the Member State concerned, and interested parties. In the event that the Commission makes such a request, the 50 working days period shall be extended by further 50 working days. Text Origin: Commission Proposal
Article 66(6), third subparagraph				
828	In the absence of an opinion by the Commission within the period referred to in the first and second subparagraphs, the Commission is deemed not to raise objections to the decision of the regulatory authority.	In the absence of an opinion by the Commission within the period referred to in the first and second subparagraphs, the Commission is deemed not to raise objections to the decision of the regulatory authority.	In the absence of an opinion by the Commission within the period referred to in the first and second subparagraphs, the Commission is deemed not to raise objections to the decision of the regulatory authority.	In the absence of an opinion by the Commission within the period referred to in the first and second subparagraphs, the Commission is deemed not to raise objections to the decision of the regulatory authority. Text Origin: Commission Proposal
Article 66(7)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
829	7. When assessing whether the control by a person or persons from a third country or third countries will put at risk the security of energy supply to the Union, the Commission shall take into account:	7. When assessing whether the control by a person or persons from a third country or third countries will put at risk the security of energy supply to the Union, the Commission shall take into account:	7. When assessing whether the control by a person or persons from a third country or third countries will put at risk the security of energy supply to the Union, the Commission shall take into account:	7. When assessing whether the control by a person or persons from a third country or third countries will put at risk the security of energy supply ~~to~~ <u>or the essential security interests of</u> the Union <u>or of any Member State</u> , the Commission shall take into account: 9.11.2023 provisionally agreed
Article 66(7), point (b)				
831	(b) the rights and obligations of the Union with respect to that third country or third countries arising under international law, including an agreement concluded with one or more third countries to which the Union is a party and which addresses the issues of security of supply.	(b) the rights and obligations of the Union with respect to that third country or third countries arising under international law, including an agreement concluded with one or more third countries to which the Union is a party and which addresses the issues of security of supply.	(b) the rights and obligations of the Union with respect to that third country or third countries arising under international law, including an agreement concluded with one or more third countries to which the Union is a party and which addresses the issues of security of supply.	(b) the rights and obligations of the Union with respect to that third country or third countries arising under international law, including an agreement concluded with one or more third countries to which the Union is a party and which addresses the issues of security of supply. Text Origin: Commission Proposal
Article 66(8)				
832	8. The regulatory authority shall, within a period of 50 working days	8. The regulatory authority shall, within a period of 50 working days	8. The regulatory authority shall, within a period of 50 working days	8. The regulatory authority shall, within a period of 50 working days

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	after the expiry of the period referred to in paragraph 6, adopt its final decision on the certification. In adopting its final decision the regulatory authority shall take utmost account of the Commission's opinion. In any event Member States shall have the right to refuse certification where granting certification puts at risk the Member State's security of energy supply or the security of energy supply of another Member State. Where the Member State has designated another competent authority to assess paragraph 3, point (b), it may require the regulatory authority to adopt its final decision in accordance with the assessment of that competent authority. The regulatory authority's final decision and the Commission's opinion shall be published together. Where the final decision diverges from the Commission's opinion, the Member State concerned shall provide and publish, together with that decision, the reasoning underlying such decision.	after the expiry of the period referred to in paragraph 6, adopt its final decision on the certification. In adopting its final decision the regulatory authority shall take utmost account of the Commission's opinion. In any event Member States shall have the right to refuse certification where granting certification puts at risk the Member State's security of energy supply or the security of energy supply of another Member State. Where the Member State has designated another competent authority to assess paragraph 3, point (b), it may require the regulatory authority to adopt its final decision in accordance with the assessment of that competent authority. The regulatory authority's final decision and the Commission's opinion shall be published together. Where the final decision diverges from the Commission's opinion, the Member State concerned shall provide and publish, together with that decision, the reasoning underlying such decision.	after the expiry of the period referred to in paragraph 6, adopt its final decision on the certification. In adopting its final decision the regulatory authority shall take utmost account of the Commission's opinion. In any event Member States shall have the right to refuse certification where granting certification puts at risk the Member State's security of energy supply or the security of energy supply of another Member State. Where the Member State has designated another competent authority to assess paragraph 3, point (b), it may require the regulatory authority to adopt its final decision in accordance with the assessment of that competent authority. The regulatory authority's final decision and the Commission's opinion shall be published together. Where the final decision diverges from the Commission's opinion, the Member State concerned shall provide and publish, together with that decision, the reasoning underlying such decision.	after the expiry of the period referred to in paragraph 6, adopt its final decision on the certification. In adopting its final decision the regulatory authority shall take utmost account of the Commission's opinion. In any event Member States shall have the right to refuse certification where granting certification puts at risk the Member State's security of energy supply or the security of energy supply of another Member State. Where the Member State has designated another competent authority to assess paragraph 3, point (b), it may require the regulatory authority to adopt its final decision in accordance with the assessment of that competent authority. The regulatory authority's final decision and the Commission's opinion shall be published together. Where the final decision diverges from the Commission's opinion, the Member State concerned shall provide and publish, together with that decision, the reasoning underlying such decision. Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 66(9)				
833	9. Nothing in this Article shall affect the right of Member States to exercise, in compliance with Union law, national legal controls to protect legitimate public security interests.	9. Nothing in this Article shall affect the right of Member States to exercise, in compliance with Union law, national legal controls to protect legitimate public security interests.	9. Nothing in this Article shall affect the right of Member States to exercise, in compliance with Union law, national legal controls to protect legitimate public security interests.	9. Nothing in this Article shall affect the right of Member States to exercise, in compliance with Union law, national legal controls to protect legitimate public security interests. Text Origin: Commission Proposal
Article 66(10)				
834	10. The Commission is empowered to adopt delegated acts in accordance with Article 83 in order to provide guidelines setting out the details of the procedure to be followed for the application of this Article.	10. The Commission is empowered to adopt delegated acts in accordance with Article 83 in order to provide guidelines setting out the details of the procedure to be followed for the application of this Article.	10. The Commission is empowered to adopt delegated acts in accordance with Article 83 in order to ~~provide~~ supplement this Directive by providing guidelines setting out the details of the procedure to be followed for the application of this Article-	10. The Commission is empowered to adopt delegated acts in accordance with Article 83 in order to ~~provide~~ supplement this Directive by providing guidelines setting out the details of the procedure to be followed for the application of this Article. 6.11.2023 provisionally agreed
Article 67				
836	Article 67 Designation of operators of natural gas storage, hydrogen storage, LNG facilities and hydrogen terminals	Article 67 Designation of operators of natural gas storage, hydrogen storage, LNG facilities and hydrogen terminals	Article 67 Designation of operators of natural gas storage , hydrogen storage, LNG facilities and hydrogen terminals	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 67, first paragraph			
837	Member States shall designate, or shall require undertakings which own natural gas storage, hydrogen storage, LNG facilities and hydrogen terminals to designate, for a period of time to be determined by Member States, having regard to considerations of efficiency and economic balance, one or more operators for these infrastructure.	Member States shall designate, or shall require undertakings which own natural gas storage, hydrogen storage, LNG facilities and hydrogen terminals to designate, for a period of time to be determined by Member States, having regard to considerations of efficiency and economic balance, one or more operators for these infrastructure.	Member States shall designate, or shall require undertakings which own natural gas storage, hydrogen storage, LNG facilities and hydrogen terminals to designate, for a period of time to be determined by Member States, having regard to considerations of efficiency and economic balance, one or more operators for these infrastructure.	
	Section 6			
838	Section 6 Unbundling and transparency of accounts	Section 6 Unbundling and transparency of accounts	Section 6 Unbundling and transparency of accounts	
	Article 68			
839	Article 68 Right of access to accounts	Article 68 Right of access to accounts	Article 68 Right of access to accounts	
	Article 68(1)			
840	1. Member States or any competent authority they designate, including the regulatory authorities	1. Member States or any competent authority they designate, including the regulatory authorities	1. Member States or any competent authority they designate, including the regulatory authorities	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	referred to in Article 70(1) and the dispute settlement authorities referred to in Article 24(3), shall, insofar as necessary to carry out their functions, have right of access to the accounts of natural gas and hydrogen undertakings as set out in Article 71.	referred to in Article 70(1) and the dispute settlement authorities referred to in Article 24(3), shall, insofar as necessary to carry out their functions, have right of access to the accounts of natural gas and hydrogen undertakings as set out in Article 71.	referred to in Article 70(1) and the dispute settlement authorities referred to in Article 24(3), shall, insofar as necessary to carry out their functions, have right of access to the accounts of natural gas and hydrogen undertakings as set out in Article 71.	
Article 68(2)				
841	2. Member States and any designated competent authority, including the regulatory authorities referred to in Article 70(1) and the dispute settlement authorities, shall preserve the confidentiality of commercially sensitive information. Member States may provide for the disclosure of such information where this is necessary in order for the competent authorities to carry out their functions.	2. Member States and any designated competent authority, including the regulatory authorities referred to in Article 70(1) and the dispute settlement authorities, shall preserve the confidentiality of commercially sensitive information. Member States may provide for the disclosure of such information where this is necessary in order for the competent authorities to carry out their functions.	2. Member States and any designated competent authority, including the regulatory authorities referred to in Article 70(1) and the dispute settlement authorities, shall preserve the confidentiality of commercially sensitive information. Member States may provide for the disclosure of such information where this is necessary in order for the competent authorities to carry out their functions.	
Article 69				
842	Article 69 Unbundling of accounts	Article 69 Unbundling of accounts	Article 69 Unbundling of accounts	
Article 69(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
843	1. Member States shall take the necessary steps to ensure that the accounts of natural gas and hydrogen undertakings are kept in accordance with paragraphs 2 to 5.	1. Member States shall take the necessary steps to ensure that the accounts of natural gas and hydrogen undertakings are kept in accordance with paragraphs 2 to 5.	1. Member States shall take the necessary steps to ensure that the accounts of natural gas and hydrogen undertakings are kept in accordance with paragraphs 2 to 5.	
Article 69(2), first subparagraph				
844	2. Natural gas and hydrogen undertakings, whatever their system of ownership or legal form, shall draw up, submit to audit and publish their annual accounts in accordance with the rules of national law concerning the annual accounts of limited liability companies adopted pursuant to Directive 2013/34/EU of the European Parliament and of the Council¹. 1. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).	2. Natural gas and hydrogen undertakings, whatever their system of ownership or legal form, shall draw up, submit to audit and publish their annual accounts in accordance with the rules of national law concerning the annual accounts of limited liability companies adopted pursuant to Directive 2013/34/EU of the European Parliament and of the Council¹. 1. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).	2. Natural gas and hydrogen undertakings, whatever their system of ownership or legal form, shall draw up, submit to audit and publish their annual accounts in accordance with the rules of national law concerning the annual accounts of limited liability companies adopted pursuant to Directive 2013/34/EU of the European Parliament and of the Council¹. 1. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).	
Article 69(2), second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
845	Undertakings which are not legally obliged to publish their annual accounts shall keep a copy thereof at the disposal of the public at their head office.	Undertakings which are not legally obliged to publish their annual accounts shall keep a copy thereof at the disposal of the public at their head office.	Undertakings which are not legally obliged to publish their annual accounts shall keep a copy thereof at the disposal of the public at their head office.	
Article 69(5)				
848	5. Undertakings shall specify in their internal accounting the rules for the allocation of assets and liabilities, expenditure and income as well as for depreciation, without prejudice to nationally applicable accounting rules, which they follow in drawing up the separate accounts referred to in paragraph 3. Those internal rules may be amended only in exceptional cases. Such amendments shall be mentioned and duly substantiated.	5. Undertakings shall specify in their internal accounting the rules for the allocation of assets and liabilities, expenditure and income as well as for depreciation, without prejudice to nationally applicable accounting rules, which they follow in drawing up the separate accounts referred to in paragraph 3. Those internal rules may be amended only in exceptional cases. Such amendments shall be mentioned and duly substantiated.	5. Undertakings shall specify in their internal accounting the rules for the allocation of assets and liabilities, expenditure and income as well as for depreciation, without prejudice to nationally applicable accounting rules, which they follow in drawing up the separate accounts referred to in paragraph 3. Those internal rules may be amended only in exceptional cases. Such amendments shall be mentioned and duly substantiated.	
Article 69(6)				
849	6. The annual accounts shall indicate in notes any transaction of a certain size conducted with related undertakings.	6. The annual accounts shall indicate in notes any transaction of a certain size conducted with related undertakings.	6. The annual accounts shall indicate in notes any transaction of a certain size conducted with related undertakings.	
Chapter X				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
850	Chapter X Regulatory Authorities	Chapter X Regulatory Authorities	Chapter X -Regulatory Authorities	
Article 70				
851	Article 70 Designation and independence of regulatory authorities	Article 70 Designation and independence of regulatory authorities	Article 70 Designation and independence of regulatory authorities	Article 70 Designation and independence of regulatory authorities Text Origin: Commission Proposal
Article 70(1)				
852	1. Each Member State shall designate a single regulatory authority at national level.	1. Each Member State shall designate a single regulatory authority at national level.	1. Each Member State shall designate a single regulatory authority at national level.	1. Each Member State shall designate a single regulatory authority at national level. Text Origin: Commission Proposal
Article 70(2)				
853	2. Paragraph 1 shall be without prejudice to the designation of other regulatory authorities at regional level within Member States, provided that there is one senior representative for representation and contact purposes at Union level within the	2. Paragraph 1 shall be without prejudice to the designation of other regulatory authorities at regional level within Member States, provided that there is one senior representative for representation and contact purposes at Union level within the	2. Paragraph 1 shall be without prejudice to the designation of other regulatory authorities at regional level within Member States, provided that there is one senior representative for representation and contact purposes at Union level within the	2. Paragraph 1 shall be without prejudice to the designation of other regulatory authorities at regional level within Member States, provided that there is one senior representative for representation and contact purposes at Union level within the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Board of Regulators of ACER in accordance with Article 7(1) of Regulation (EU) 2019/942.	Board of Regulators of ACER in accordance with Article 7(1) of Regulation (EU) 2019/942.	Board of Regulators of ACER in accordance with Article 7(1) of Regulation (EU) 2019/942.	Board of Regulators of ACER in accordance with Article 7(1) of Regulation (EU) 2019/942. Text Origin: Commission Proposal
Article 70(3)				
854	3. By way of derogation from paragraph 1, a Member State may designate regulatory authorities for small systems in a geographically separate region whose consumption, in 2008, accounted for less than 3 % of the total consumption of the Member State of which it is part. That derogation shall be without prejudice to the appointment of one senior representative for representation and contact purposes at Union level within the Board of Regulators of ACER in compliance with Article 7(1) of Regulation (EU) 2019/942.	3. By way of derogation from paragraph 1, a Member State may designate regulatory authorities for small systems in a geographically separate region whose consumption, in 2008, accounted for less than 3 % of the total consumption of the Member State of which it is part. That derogation shall be without prejudice to the appointment of one senior representative for representation and contact purposes at Union level within the Board of Regulators of ACER in compliance with Article 7(1) of Regulation (EU) 2019/942.	3. By way of derogation from paragraph 1, a Member State may designate regulatory authorities for small systems in a geographically separate region whose consumption, in 2008, accounted for less than 3 % of the total consumption of the Member State of which it is part. That derogation shall be without prejudice to the appointment of one senior representative for representation and contact purposes at Union level within the Board of Regulators of ACER in compliance with Article 7(1) of Regulation (EU) 2019/942.	3. By way of derogation from paragraph 1, a Member State may designate regulatory authorities for small systems in a geographically separate region whose consumption, in 2008, accounted for less than 3 % of the total consumption of the Member State of which it is part. That derogation shall be without prejudice to the appointment of one senior representative for representation and contact purposes at Union level within the Board of Regulators of ACER in compliance with Article 7(1) of Regulation (EU) 2019/942. Text Origin: Commission Proposal
Article 70(4)				
855	4. Member States shall guarantee	4. Member States shall guarantee	4. Member States shall guarantee	4. Member States shall guarantee

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the independence of the regulatory authority and shall ensure that it exercises its powers impartially and transparently. For this purpose, Member States shall ensure that, when carrying out the regulatory tasks conferred upon it by this Directive and related legislation, the regulatory authority:	the independence of the regulatory authority and shall ensure that it exercises its powers impartially and transparently. For this purpose, Member States shall ensure that, when carrying out the regulatory tasks conferred upon it by this Directive and related legal acts , the regulatory authority:	the independence of the regulatory authority and shall ensure that it exercises its powers impartially and transparently. For this purpose, Member States shall ensure that, when carrying out the regulatory tasks conferred upon it by this Directive and related legislation, the regulatory authority:	the independence of the regulatory authority and shall ensure that it exercises its powers impartially and transparently. For this purpose, Member States shall ensure that, when carrying out the regulatory tasks conferred upon it by this Directive and related ~~legislation~~ legal acts , the regulatory authority: 6.11.2023 provisionally agreed, legislation/legal acts - to be checked by EPLS/CLS/COMLS
	Article 70(4), point (a)			
856	(a) is legally distinct and functionally independent from any other public or private entity;	(a) is legally distinct and functionally independent from any other public or private entity;	(a) is legally distinct and functionally independent from any other public or private entity;	(a) is legally distinct and functionally independent from any other public or private entity; Text Origin: Commission Proposal
	Article 70(4), point (b)			
857	(b) ensures that its staff and the persons responsible for its management:	(b) ensures that its staff and the persons responsible for its management:	(b) ensures that its staff and the persons responsible for its management:	(b) ensures that its staff and the persons responsible for its management: Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 70(4), point (b)(ii)			
859	(ii) do not seek or take direct instructions from any government or other public or private entity when carrying out the regulatory tasks. That requirement is without prejudice to close cooperation, as appropriate, with other relevant national authorities or to general policy guidelines issued by the government and not related to the regulatory powers and duties under Article 72.	(ii) do not seek or take direct instructions from any government or other public or private entity when carrying out the regulatory tasks. That requirement is without prejudice to close cooperation, as appropriate, with other relevant national authorities and consumer representative bodies or to general policy guidelines issued by the government and not related to the regulatory powers and duties under Article 72.	(ii) do not seek or take direct instructions from any government or other public or private entity when carrying out the regulatory tasks. That requirement is without prejudice to close cooperation, as appropriate, with other relevant national authorities or to general policy guidelines issued by the government and not related to the regulatory powers and duties under Article 72.	(ii) do not seek or take direct instructions from any government or other public or private entity when carrying out the regulatory tasks. That requirement is without prejudice to close cooperation, as appropriate, with other relevant national authorities or to general policy guidelines issued by the government and not related to the regulatory powers and duties under Article 72. 6.11.2023 Provisionally agreed Text Origin: Commission Proposal
	Article 70(5), first subparagraph			
860	5. In order to protect the independence of the regulatory authority, Member States shall in particular ensure that:	5. In order to protect the independence of the regulatory authority, Member States shall in particular ensure that:	5. In order to protect the independence of the regulatory authority, Member States shall in particular ensure that:	5. In order to protect the independence of the regulatory authority, Member States shall in particular ensure that: Text Origin: Commission Proposal
	Article 70(5), first subparagraph, point (a)			
861	(a) the regulatory authority can	(a) the regulatory authority can	(a) the regulatory authority can	(a) the regulatory authority can

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	take autonomous decisions, independently from any political body;	take autonomous decisions, independently from any political body;	take autonomous decisions, independently from any political body;	take autonomous decisions, independently from any political body; Text Origin: Commission Proposal
Article 70(5), first subparagraph, point (b)				
862	(b) the regulatory authority has all the necessary human and financial resources it needs to carry out its duties and exercise its powers in an effective and efficient manner;	(b) the regulatory authority has all the necessary human and financial resources it needs to carry out its duties and exercise its powers in an effective and efficient manner;	(b) the regulatory authority has all the necessary human and financial resources it needs to carry out its duties and exercise its powers in an effective and efficient manner;	(b) the regulatory authority has all the necessary human and financial resources it needs to carry out its duties and exercise its powers in an effective and efficient manner; Text Origin: Commission Proposal
Article 70(5), first subparagraph, point (c)				
863	(c) the regulatory authority has a separate annual budget allocation and autonomy in the implementation of the allocated budget;	(c) the regulatory authority has a separate annual budget allocation and autonomy in the implementation of the allocated budget;	(c) the regulatory authority has a separate annual budget allocation and autonomy in the implementation of the allocated budget;	(c) the regulatory authority has a separate annual budget allocation and autonomy in the implementation of the allocated budget; Text Origin: Commission Proposal
Article 70(5), first subparagraph, point (d)				
864	(d) the members of the board of	(d) the members of the board of	(d) the members of the board of	(d) the members of the board of

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the regulatory authority or, in the absence of a board, the regulatory authority's top management are appointed for a fixed term of five up to seven years, renewable once.	the regulatory authority or, in the absence of a board, the regulatory authority's top management are appointed for a fixed term of five up to seven years, renewable once.	the regulatory authority or, in the absence of a board, the regulatory authority's top management are appointed for a fixed term of five up to seven years, renewable once.	the regulatory authority or, in the absence of a board, the regulatory authority's top management are appointed for a fixed term of five up to seven years, renewable once. Text Origin: Commission Proposal
Article 70(5), first subparagraph, point (e)				
865	(e) the members of the board of the regulatory authority or, in the absence of a board, the regulatory authority's top management are appointed based on objective, transparent and published criteria, in an independent and impartial procedure, which ensures that the candidates have the necessary skills and experience for any relevant position in the regulatory authority;	(e) the members of the board of the regulatory authority or, in the absence of a board, the regulatory authority's top management are appointed based on objective, transparent and published criteria, in an independent and impartial procedure, which ensures that the candidates have the necessary skills and experience for any relevant position in the regulatory authority;	(e) the members of the board of the regulatory authority or, in the absence of a board, the regulatory authority's top management are appointed based on objective, transparent and published criteria, in an independent and impartial procedure, which ensures that the candidates have the necessary skills and experience for any relevant position in the regulatory authority;	(e) the members of the board of the regulatory authority or, in the absence of a board, the regulatory authority's top management are appointed based on objective, transparent and published criteria, in an independent and impartial procedure, which ensures that the candidates have the necessary skills and experience for any relevant position in the regulatory authority; Text Origin: Commission Proposal
Article 70(5), first subparagraph, point (f)				
866	(f) provisions on conflict of interest are in place and confidentiality obligations extend beyond the end of the mandate of	(f) provisions on conflict of interest are in place and confidentiality obligations extend beyond the end of the mandate of	(f) provisions on conflict of interest are in place and confidentiality obligations extend beyond the end of the mandate of	(f) provisions on conflict of interest are in place and confidentiality obligations extend beyond the end of the mandate of

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the members of the board of the regulatory authority or, in the absence of a board, the regulatory authority's top management;	the members of the board of the regulatory authority or, in the absence of a board, the regulatory authority's top management;	the members of the board of the regulatory authority or, in the absence of a board, the regulatory authority's top management;	the members of the board of the regulatory authority or, in the absence of a board, the regulatory authority's top management; Text Origin: Commission Proposal
Article 70(5), first subparagraph, point (g)				
867	(g) the members of the board of the regulatory authority or, in the absence of a board, the regulatory authority's top management may be dismissed only based on transparent criteria in place;	(g) the members of the board of the regulatory authority or, in the absence of a board, the regulatory authority's top management may be dismissed only based on transparent criteria in place;	(g) the members of the board of the regulatory authority or, in the absence of a board, the regulatory authority's top management may be dismissed only based on transparent criteria in place;	(g) the members of the board of the regulatory authority or, in the absence of a board, the regulatory authority's top management may be dismissed only based on transparent criteria in place; Text Origin: Commission Proposal
Article 70(5), first subparagraph, point (h)				
868	(h) Member States may provide for the ex-post control of the regulatory authorities' annual accounts by an independent auditor.	(h) Member States may provide for the ex-post control of the regulatory authorities' annual accounts by an independent auditor.	(h) Member States may provide for the ex-post control of the regulatory authorities' annual accounts by an independent auditor:-	(h) Member States may provide for the ex-post control of the regulatory authorities' annual accounts by an independent auditor. Text Origin: Commission Proposal
Article 70(5), second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
869	In regard to the first subparagraph, point (d), Member States shall ensure an appropriate rotation scheme for the board or the top management. The members of the board or, in the absence of a board, members of the top management may be relieved from office during their term only if they no longer fulfil the conditions set out in this Article or have been guilty of misconduct under national law.	In regard to the first subparagraph, point (d), Member States shall ensure an appropriate rotation scheme for the board or the top management. The members of the board or, in the absence of a board, members of the top management may be relieved from office during their term only if they no longer fulfil the conditions set out in this Article or have been guilty of misconduct under national law.	In regard to the first subparagraph, point (d), Member States shall ensure an appropriate rotation scheme for the board or the top management. The members of the board or, in the absence of a board, members of the top management may be relieved from office during their term only if they no longer fulfil the conditions set out in this Article or have been guilty of misconduct under national law.	In regard to the first subparagraph, point (d), Member States shall ensure an appropriate rotation scheme for the board or the top management. The members of the board or, in the absence of a board, members of the top management may be relieved from office during their term only if they no longer fulfil the conditions set out in this Article or have been guilty of misconduct under national law. Text Origin: Commission Proposal
Article 70(6)				
870	6. By 5 July 2022 and every four years thereafter, the Commission shall submit a report to the European Parliament and the Council on the compliance of national authorities with the principle of independence set out in this Article.	6. By 5 July 2022 and every four years thereafter, the Commission shall submit a report to the European Parliament and <i>to</i> the Council on the compliance of national authorities with the principle of independence set out in this Article. <i>The reports shall analyse any non-compliance and shall provide recommendations for resolution. The Commission shall make those reports publicly available. Article 71</i>	6. By 5 July 2022 and every four years thereafter, the Commission shall submit a report to the European Parliament and the Council on the compliance of national authorities with the principle of independence set out in this Article-	6. By 5 July 2022 and every four years thereafter, the Commission shall submit a report to the European Parliament and the Council on the compliance of national authorities with the principle of independence set out in this Article. <u><i>The Commission shall make those reports publicly available.</i></u> 6.11.2023 Provisionally agreed

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 71				
871	Article 71 General objectives of the regulatory authority	Article 71 General objectives of the regulatory authority	Article 71 General objectives of the regulatory authority	Article 71 General objectives of the regulatory authority Text Origin: Commission Proposal
Article 71, first paragraph				
872	In carrying out the regulatory tasks specified in this Directive, the regulatory authority shall take all reasonable measures in pursuit of the following objectives within the framework of their duties and powers as laid down in Article 72, in close consultation with other relevant national authorities, including competition authorities and authorities from neighbouring countries, including third countries, as appropriate, and without prejudice to their competencies:	In carrying out the regulatory tasks specified in this Directive, the regulatory authority shall take all reasonable measures in pursuit of the following objectives within the framework of their duties and powers as laid down in Article 72, in close consultation with other relevant national authorities, including competition authorities and authorities from neighbouring countries, including third countries, as appropriate, and without prejudice to their competencies:	In carrying out the regulatory tasks specified in this Directive, the regulatory authority shall take all reasonable measures in pursuit of the following objectives within the framework of their duties and powers as laid down in Article 72, in close consultation with other relevant national authorities, including competition authorities and authorities from neighbouring countries, including third countries, as appropriate, and without prejudice to their competencies:	In carrying out the regulatory tasks specified in this Directive, the regulatory authority shall take all reasonable measures in pursuit of the following objectives within the framework of their duties and powers as laid down in Article 72, in close consultation with other relevant national authorities, including competition authorities and authorities from neighbouring countries, including third countries, as appropriate, and without prejudice to their competencies: Text Origin: Commission Proposal
Article 71, first paragraph, point (a)				
873				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(a) promoting, in close cooperation with regulatory authorities of other Member States, the Commission and ACER, a competitive, flexible, secure and environmentally sustainable internal market in natural gas, renewable and low-carbon gases and hydrogen within the Union, and ensuring appropriate conditions for the effective and reliable operation of natural gas and hydrogen networks, taking into account long-term objectives, thus contributing to the consistent, efficient and effective application of Union law in order to achieve the Union's climate and energy goals;	(a) promoting, in close cooperation with regulatory authorities of other Member States, the Commission and ACER, a competitive, flexible, secure and environmentally sustainable internal market in natural gas, renewable gas and low-carbon gas and hydrogen within the Union, and ensuring appropriate conditions for the effective and reliable operation of natural gas and hydrogen networks, taking into account long-term objectives, thus contributing to the consistent, efficient and effective application of Union law in order to achieve the Union's climate and energy goals;	(a) promoting, in close cooperation with regulatory authorities of other Member States, the Commission and ACER, a competitive, flexible, secure and environmentally sustainable internal market in natural gas, renewable and low-carbon gases and hydrogen within the Union, and ensuring appropriate conditions for the effective and reliable operation of natural gas and hydrogen networks and advancing energy system integration , taking into account long-term objectives, thus contributing to the consistent, efficient and effective application of Union law in order to achieve the Union's climate and energy goals;	(a) promoting, in close cooperation with regulatory authorities of other Member States, the Commission and ACER, a competitive, flexible, secure and environmentally sustainable internal market in natural gas, renewable and low-carbon gases and hydrogen within the Union, and ensuring appropriate conditions for the effective and reliable operation of natural gas and hydrogen networks <u>and advancing energy system integration</u> , taking into account long-term objectives, thus contributing to the consistent, efficient and effective application of Union law in order to achieve the Union's climate and energy goals; 6.11.2023 provisionally agreed - gas/gases = COM to check Text Origin: Council Mandate
Article 71, first paragraph, point (b)				
874	(b) developing competitive and properly functioning regional cross-border markets within the Union in view of the achievement	(b) developing competitive and properly functioning regional cross-border markets within the Union in view of the achievement	(b) developing competitive and properly functioning regional cross-border markets within the Union in view of the achievement	(b) developing competitive and properly functioning regional cross-border markets within the Union in view of the achievement

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	of the objectives referred to in point (a);	of the objectives referred to in point (a);	of the objectives referred to in point (a);	of the objectives referred to in point (a); Text Origin: Commission Proposal
Article 71, first paragraph, point (c)				
875	(c) eliminating restrictions on trade in natural gas and hydrogen between Member States, including eliminating restrictions due to differences in the quality of gases or differences in the volume of hydrogen blended into the natural gas system or to differences in the quality of hydrogen in the hydrogen system, developing appropriate cross-border transmission and/or transport capacities to meet demand and enhancing the integration of national markets ensuring the interoperability of the interconnected EU natural gas system or Union hydrogen system, which may facilitate natural gas flow across the Union;	(c) eliminating restrictions on trade in natural gas and hydrogen between Member States, including eliminating restrictions due to differences in the quality of gas or differences in the volume of hydrogen blended into the natural gas system or to differences in the quality of hydrogen in the hydrogen system, developing appropriate cross-border transmission and/or transport capacities to meet demand and enhancing the integration of national markets ensuring the interoperability of the interconnected EU natural gas system or Union hydrogen system, which may facilitate natural gas flow across the Union;	(c) eliminating restrictions on trade in natural gas and hydrogen between Member States, including eliminating restrictions due to differences in the quality of gases or differences in the volume of hydrogen blended into the natural gas system or to differences in the quality of hydrogen in the hydrogen system, developing appropriate cross-border transmission and/or transport capacities to meet demand and enhancing the integration of national markets ensuring the interoperability of the interconnected EU natural gas system or Union hydrogen system, which may facilitate natural gas flow across the Union;	(c) eliminating restrictions on trade in natural gas and hydrogen between Member States, including eliminating restrictions due to differences in the quality of gases or differences in the volume of hydrogen blended into the natural gas system or to differences in the quality of hydrogen in the hydrogen system, developing appropriate cross-border transmission and/or transport capacities to meet demand and enhancing the integration of national markets ensuring the interoperability of the interconnected EU natural gas system or Union hydrogen system, which may facilitate natural gas flow across the Union; 6.11.2023 provisionally agreed - gas/gases = COM to check Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 71, first paragraph, point (d)			
876	(d) helping to achieve, in the most cost-effective way, the development of secure, reliable and efficient non-discriminatory systems that are consumer oriented, and promoting system adequacy and, in accordance with general energy and climate policy objectives, energy efficiency as well as the integration of large and small scale production of gas from renewable sources and distributed production in both transmission and distribution networks and facilitating their operation in relation to other energy networks of electricity and heat;	(d) helping to achieve, in the most cost-effective way, the development of secure, reliable and efficient non-discriminatory systems that are consumer oriented, and promoting system adequacy and, in accordance with general energy and climate policy objectives, energy efficiency as well as the integration of large and small scale production of gas from renewable sources and distributed production in both transmission and distribution networks and facilitating their operation in relation to other energy networks of electricity and heat;	(d) helping to achieve, in application of the energy efficiency first principle , in the most cost-effective way, the development of secure, reliable and efficient non-discriminatory systems that are consumer oriented, and promoting system adequacy and, in accordance with general energy and climate policy objectives, energy efficiency as well as the integration of large and small scale production of gas from renewable sources and distributed production in both transmission and distribution networks and facilitating their operation in relation to other energy networks of electricity and heat;	(d) helping to achieve, in the most cost-effective way <u>and while taking into account the energy efficiency first principle</u> , the development of secure, reliable and efficient non-discriminatory systems that are consumer oriented, and promoting system adequacy and, in accordance with general energy and climate policy objectives, energy efficiency as well as the integration of large and small scale production of gas from renewable sources and distributed production in both transmission and distribution networks and facilitating their operation in relation to other energy networks of electricity and heat; 6.11.2023 - Provisionally agreed Text Origin: Council Mandate
	Article 71, first paragraph, point (e)			
877	(e) facilitating access to the network for new production capacity, in particular removing	(e) facilitating connection and access to the network for new production capacity, in particular	(e) facilitating access to the network for new production capacity, in particular removing	(e) facilitating <u>connection and</u> access to the network for new production capacity, in particular

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	barriers that could prevent access for new market entrants and of gas and hydrogen from renewable sources;	removing barriers that could prevent connection and access for new market entrants and of gas and hydrogen from renewable sources;	barriers that could prevent access for new market entrants and of gas and hydrogen from renewable sources;	removing barriers that could prevent <u>connection and</u> access for new market entrants and of gas and hydrogen from renewable sources; 6.11.2023 provisionally agreed Text Origin: EP Mandate
Article 71, first paragraph, point (f)				
878	(f) ensuring that system operators and system users are granted appropriate incentives, in both the short and the long term, to increase efficiencies, especially energy efficiency, in system performance and foster market integration;	(f) ensuring that system operators and system users are granted appropriate incentives, in both the short and the long term, to increase efficiencies, especially energy efficiency, in system performance and foster market integration;	(f) ensuring that system operators and system users are granted appropriate incentives, in both the short and the long term, to increase efficiencies, especially energy efficiency, in system performance and foster market integration;	(f) ensuring that system operators and system users are granted appropriate incentives, in both the short and the long term, to increase efficiencies, especially energy efficiency, in system performance and foster market integration; Text Origin: Commission Proposal
Article 71, first paragraph, point (g)				
879	(g) ensuring that customers benefit through the efficient functioning of their national market, promoting effective competition and helping to ensure consumer protection in close cooperation with relevant consumer protection authorities;	(g) ensuring that customers benefit through the efficient functioning of their national market, promoting effective competition and helping to ensure a high level of consumer protection in close cooperation with relevant consumer protection authorities;	(g) ensuring that customers benefit through the efficient functioning of their national market, promoting effective competition and helping to ensure consumer protection in close cooperation with relevant consumer protection authorities;	(g) ensuring that customers benefit through the efficient functioning of their national market, promoting effective competition and helping to ensure <u>high levels of</u> consumer protection in close cooperation with relevant consumer protection authorities; <u>and consultation with</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u>relevant consumer organisations</u> 6.11.2023 Provisionally agreed
Article 71, first paragraph, point (h)				
880	(h) helping to achieve high standards of public service for natural gas, contributing to the protection of vulnerable customers and contributing to the compatibility of necessary data exchange processes for customer switching.	(h) helping to achieve high standards of public service for natural gas, contributing to the protection of vulnerable customers and contributing to the compatibility of necessary data exchange processes for customer switching.	(h) helping to achieve high standards of public service for natural gas, contributing to the protection of vulnerable customers and contributing to the compatibility of necessary data exchange processes for customer switching.	(h) helping to achieve high standards of public service for natural gas, contributing to the protection of vulnerable customers and contributing to the compatibility of necessary data exchange processes for customer switching. Text Origin: Commission Proposal
Article 71, first paragraph, point (ha)				
880a		<i>(ha) ensuring that customers are granted instruments to submit complaints in the case of supply disruptions of natural gas and hydrogen.</i>		<u>Deleted</u> 6.11.2023 provisionally agreed
Article 72				
881	Article 72 Duties and powers of the regulatory authority	Article 72 Duties and powers of the regulatory authority	Article 72 Duties and powers of the regulatory authority	Article 72 Duties and powers of the regulatory authority

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 72(1)				
882	1. The regulatory authority shall have the following duties:	1. The regulatory authority shall have the following duties:	1. The regulatory authority shall have the following duties:	1. The regulatory authority shall have the following duties: Text Origin: Commission Proposal
Article 72(1), point (a)				
883	(a) fixing or approving, in accordance with transparent criteria, transmission or distribution tariffs or their methodologies, or both;	(a) fixing or approving, in accordance with transparent criteria, transmission or distribution tariffs or their methodologies, or both and publishing such tariffs or methodologies together with the relevant assumptions;	(a) fixing or approving, in accordance with transparent criteria, transmission or distribution tariffs or their methodologies, or both;	(a) fixing or approving, in accordance with transparent criteria, transmission or distribution tariffs or their methodologies, or both;
Article 72(1), point (ab)				
883b		<i>(ab) participating in drafting the joint scenario framework for the ten-year network development plan in accordance with Article 51(2), point (e);</i>		<u>(ab) approving the joint scenarios for the ten-year network development plans in accordance with Article 51(2), point (e), where so provided for by the Member State;</u>

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	Article 72(1), point (b)			
884	(b) as of 1 January 2031 or as from the date of applying Article 31(1) of this Directive, fixing or approving, in accordance with transparent criteria, tariffs for hydrogen network access or their methodologies, or both;	(b) as of 1 January 2031 or as from the date of applying Article 31(1) , fixing or approving, in accordance with transparent criteria, tariffs for hydrogen network access or their methodologies, or both, and publishing those tariffs or methodologies together with the relevant assumptions;	(b) as of 1 January-2031 2036 or as from the date of ~~applying~~ application of Article 31(1) of this Directive, fixing or approving, in accordance with transparent criteria, tariffs for hydrogen network access or their methodologies, or both;	(b) as of 1 ~~[January 2031~~ 2036] or as from the date of ~~applying~~ application of Article 31(1) of this Directive, fixing or approving, in accordance with transparent criteria, tariffs for hydrogen network access or their methodologies, or both;
	Article 72(1), point (c)			
885	(c) fixing or approving, in accordance with transparent criteria (i) the size and duration of the dedicated charge referred in Article 4 of [recast Gas Regulation as proposed in COM(2021) xxx] or their methodologies or both (ii) the value of transferred assets and the destination of any profits and losses that may occur as a result and (iii) the allocating contributions to the dedicated charge;	(c) fixing or approving, in accordance with transparent criteria (i) the size and duration of the dedicated charge referred in Article 4 of [recast Gas Regulation as proposed in COM(2021) xxx] or their methodologies, or both (ii) the value of transferred assets and the destination of any profits and losses that may occur as a result and (iii) the allocating contributions to the dedicated charge;	(c) fixing or approving, in accordance with transparent criteria-: (i) the size and duration of the dedicated charge referred in Article 4 of [recast Gas Regulation as proposed in COM(2021)-xxx 804] or their methodologies or both (ii) the value of transferred assets and the destination of any profits and losses that may occur as a result and (iii) the allocating contributions to the dedicated charge;	(c) fixing or approving, in accordance with transparent criteria-; (i) the size and duration of the dedicated charge ~~referred in Article 4 of [recast Gas Regulation as proposed in COM(2021) xxx]~~ and financial transferor their methodologies or both (ii) the value of transferred assets and the destination of any profits and losses that may occur as a result, and (iii) the ~~allocating~~ allocation of contributions to the dedicated charge; as referred in Article 4 of [recast

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				<u>Gas Regulation as proposed in COM(2021) 804]</u>
Article 72(1), point (d)				
886	(d) ensuring compliance of transmission system operators and distribution system operators, and where relevant, system owners, hydrogen network operators as well as of any natural gas and hydrogen undertakings and other market participants, including citizen energy communities, with their obligations under this Directive, [the recast Gas Regulation as proposed in COM(2021) xxx], the network codes and guidelines adopted pursuant Article 52 and 53 of Gas Regulation, Regulation (EU) 2017/1938 and other relevant Union legislation, including as regards cross-border issues, as well as ACER's decisions;	(d) ensuring compliance of transmission system operators and distribution system operators, and where relevant, system owners, hydrogen network operators as well as of any natural gas nd hydrogen undertakings and other market participants, with their obligations under this Directive, [the recast Gas Regulation as proposed in COM(2021) xxx], the network codes and guidelines adopted pursuant Article 52 and 53 of Gas Regulation, Regulation (EU) 2017/1938 and other relevant Union law , including as regards cross-border issues, as well as ACER's decisions;	(d) ensuring compliance of transmission system operators and distribution system operators, and where relevant, system owners, hydrogen network operators as well as of any natural gas and hydrogen undertakings and other market participants, including citizen energy communities, with their obligations under this Directive, [the recast Gas Regulation as proposed in COM(2021)- ~~xxx~~ 804], the network codes and guidelines adopted pursuant Article 52 and 53 of Gas Regulation, Regulation (EU) 2017/1938 and other relevant Union legislation, including as regards cross-border issues, as well as ACER's decisions;	(d) ensuring compliance of transmission system operators and distribution system operators, and where relevant, system owners, hydrogen network operators as well as of any natural gas and hydrogen undertakings and other market participants, including citizen energy communities, with their obligations under this Directive, [the recast Gas Regulation as proposed in COM(2021) ~~xxx~~ 804], the network codes and guidelines adopted pursuant Article 52, <u>53 and 54 of [recast -and-53-of</u> Gas Regulation], Regulation (EU) 2017/1938 and other relevant Union legislation, including as regards cross-border issues, as well as ACER's decisions;
Article 72(1), point (e)				
887	(e) in close coordination with the other regulatory authorities, ensuring the compliance of the	(e) in close coordination with the other regulatory authorities, ensuring the compliance of the	(e) in close coordination with the other regulatory authorities, ensuring the compliance of the	(e) in close coordination with the other regulatory authorities, ensuring the compliance of the

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	ENTSO for Gas, the EU DSO entity and the ENNOH with their obligations under this Directive [recast Gas Regulation as proposed in COM(2021) xxx], the network codes and guidelines adopted pursuant to Articles 52 to 56 of [the recast Gas Regulation proposed in COM(2021) xxx], and other relevant Union law, including as regards cross-border issues, as well as with ACER's decisions, and jointly identifying non-compliance of the ENTSO for Gas, the EU DSO entity and the ENNOH with their respective obligations; where the regulatory authorities have not been able to reach an agreement within a period of four months after the start of consultations for the purpose of jointly identifying non-compliance, the matter shall be referred to the ACER for a decision, pursuant to Article 6(10) of Regulation (EU) 2019/942;	ENTSO for Gas, the EU DSO entity and the ENNOH with their obligations under this Directive [recast Gas Regulation as proposed in COM(2021) xxx], the network codes and guidelines adopted pursuant to Articles 52 to 56 of [the recast Gas Regulation proposed in COM(2021) xxx], and other relevant Union law, including as regards cross-border issues, as well as with ACER's decisions, and jointly identifying non-compliance of the ENTSO for Gas, the EU DSO entity and the ENNOH with their respective obligations; where the regulatory authorities have not been able to reach an agreement within a period of four months after the start of consultations for the purpose of jointly identifying non-compliance, the matter shall be referred to the ACER for a decision, pursuant to Article 6(10) of Regulation (EU) 2019/942;	ENTSO for Gas, the EU DSO entity and the ENNOH with their obligations under this Directive [recast Gas Regulation as proposed in COM(2021)- ~~xxx~~ 804], the network codes and guidelines adopted pursuant to Articles 52 to 56 of [the recast Gas Regulation proposed in COM(2021)- ~~xxx~~ 804], and other relevant Union law, including as regards cross-border issues, as well as with ACER's decisions, and jointly identifying non-compliance of the ENTSO for Gas, the EU DSO entity and the ENNOH with their respective obligations; where the regulatory authorities have not been able to reach an agreement within a period of four months after the start of consultations for the purpose of jointly identifying non-compliance, the matter shall be referred to the ACER for a decision, pursuant to Article 6(10) of Regulation (EU) 2019/942;	ENTSO for Gas, the EU DSO entity and the ENNOH with their obligations under this Directive [recast Gas Regulation as proposed in COM(2021) ~~xxx~~ 804], the network codes and guidelines adopted pursuant to Articles 52 to 56 of [the recast Gas Regulation proposed in COM(2021) ~~xxx~~ 804], and other relevant Union law, including as regards cross-border issues, as well as with ACER's decisions, and jointly identifying non-compliance of the ENTSO for Gas, the EU DSO entity and the ENNOH with their respective obligations; where the regulatory authorities have not been able to reach an agreement within a period of four months after the start of consultations for the purpose of jointly identifying non-compliance, the matter shall be referred to the ACER for a decision, pursuant to Article 6(10) of Regulation (EU) 2019/942;
	Article 72(1), point (f)			
888	(f) monitoring the development of gas qualities and gas quality management by transmission system operators and where	(f) monitoring the development of gas qualities and gas quality management by transmission system operators and where	(f) monitoring the development of gas qualities and gas quality management by transmission system operators and where	(f) monitoring the development of gas qualities and gas quality management by transmission system operators and where

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	relevant by distribution system operators, including monitoring the development of costs related to the management of gas quality by system operators and the developments related to the blending of hydrogen into the natural gas system.	relevant by distribution system operators, including monitoring the development of costs related to the management of gas quality by system operators and the developments related to the blending of hydrogen into the natural gas system;	relevant by distribution system operators, including monitoring the development of costs related to the management of gas quality by system operators and the developments related to the blending and deblanding of hydrogen into the natural gas system. If in a Member State another competent authority is already mandated with collecting this information, the competent authority shall share this information with the regulatory authority.	relevant by distribution system operators, including monitoring the development of costs related to the management of gas quality by system operators and the developments related to the blending <u>and deblanding</u> of hydrogen into the natural gas system, <u>storage system operators and LNG facility operators. If in a Member State another competent authority is already mandated with collecting this information, the competent authority shall share this information with the regulatory authority.</u>
Article 72(1), point (g)				
889	(g) monitoring the development of hydrogen quality and hydrogen quality management by hydrogen network operators where relevant as referred to in Article 46, including monitoring the development of costs related to the management of hydrogen quality.	(g) monitoring the development of hydrogen quality and hydrogen quality management by hydrogen network operators where relevant as referred to in Article 46, including monitoring the development of costs related to the management of hydrogen quality;	(g) monitoring the development of hydrogen quality and hydrogen quality management by hydrogen network operators where relevant as referred to in Article 46, including monitoring the development of costs related to the management of hydrogen quality.	(g) monitoring the development of hydrogen quality and hydrogen quality management by hydrogen network operators where relevant as referred to in Article 46, including monitoring the development of costs related to the management of hydrogen quality. Text Origin: Commission Proposal
Article 72(1), point (j)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
892	(j) cooperating with regard to cross-border issues with the regulatory authority or authorities of the Member States concerned and with the ACER, in particular through participation in the work of ACER's Board of Regulators pursuant to Article 21 of Regulation (EU) 2019/942 In respect of infrastructure to and from a third country, the regulatory authority of the Member State where the first interconnection point with the Member States' network is located may cooperate with the relevant authorities of the third country, including those of the Energy Community Contracting Parties, after consulting the regulatory authorities of other Member States concerned, aiming at, as regards that infrastructure, consistent application of this Directive in the territory of the Member States;	(j) cooperating with regard to cross-border issues with the regulatory authority or authorities of the Member States concerned and with the ACER, in particular through participation in the work of ACER's Board of Regulators pursuant to Article 21 of Regulation (EU) 2019/942. In respect of infrastructure to and from a third country, the regulatory authority of the Member State where the first interconnection point with the Member States' network is located may cooperate with the relevant authorities of the third country, including those of the Energy Community Contracting Parties, after consulting the regulatory authorities of other Member States concerned, aiming at, as regards that infrastructure, consistent application of this Directive in the territory of the Member States;	(j) cooperating with regard to cross-border issues with the regulatory authority or authorities of the Member States concerned and with the ACER, in particular through participation in the work of ACER's Board of Regulators pursuant to Article 21 of Regulation (EU) 2019/942 In respect of infrastructure to and from a third country, the regulatory authority of the Member State where the first interconnection point with the Member States' network is located may cooperate with the relevant authorities of the third country, including those of the Energy Community Contracting Parties, after consulting the regulatory authorities of other Member States concerned, aiming at, as regards that infrastructure, consistent application of this Directive in the territory of the Member States;	(j) cooperating with regard to cross-border issues with the regulatory authority or authorities of the Member States concerned and with the ACER, in particular through participation in the work of ACER's Board of Regulators pursuant to Article 21 of Regulation (EU) 2019/942 In respect of infrastructure to and from a third country, the regulatory authority of the Member State where the first interconnection point with the Member States' network is located may cooperate with the relevant authorities of the third country, including those of the Energy Community Contracting Parties, after consulting the regulatory authorities of other Member States concerned, aiming at, as regards that infrastructure, consistent application of this Directive in the territory of the Member States; Text Origin: Commission Proposal
Article 72(1), point (k)				
893	(k) complying with, and	(k) complying with, and	(k) complying with, and	(k) complying with, and

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	implementing, any relevant legally binding decisions of ACER and of the Commission;	implementing, any relevant legally binding decisions of ACER and of the Commission;	implementing, any relevant legally binding decisions of ACER and of the Commission;	implementing, any relevant legally binding decisions of ACER and of the Commission; Text Origin: Commission Proposal
Article 72(1), point (l)				
894	(l) reporting annually on its activity and the fulfilment of its duties to the relevant authorities of the Member States, ACER and the Commission. Such reports shall cover the steps taken and the results obtained as regards each of the tasks listed in this Article;	(l) reporting annually on its activity and the fulfilment of its duties to the relevant authorities of the Member States, ACER and the Commission. Such reports shall cover the steps taken and the results obtained as regards each of the tasks listed in this Article;	(l) reporting annually on its activity and the fulfilment of its duties to the relevant authorities of the Member States, ACER and the Commission. Such reports shall cover the steps taken and the results obtained as regards each of the tasks listed in this Article;	(l) reporting annually on its activity and the fulfilment of its duties to the relevant authorities of the Member States, ACER and the Commission. Such reports shall cover the steps taken and the results obtained as regards each of the tasks listed in this Article; Text Origin: Commission Proposal
Article 72(1), point (o)				
897	(o) monitoring compliance with and reviewing the past performance of network security and reliability rules and setting or approving standards and requirements for quality of service and supply or contributing thereto together with other competent authorities;	(o) monitoring compliance with and reviewing the past performance of network security and reliability rules and setting or approving standards and requirements for quality of service and supply or contributing thereto together with other competent authorities;	(o) monitoring compliance with and reviewing the past performance of network security and reliability rules and setting or approving standards and requirements for quality of service and supply or contributing thereto together with other competent authorities;	(o) monitoring compliance with and reviewing the past performance of network security and reliability rules and setting or approving standards and requirements for quality of service and supply or contributing thereto together with other competent authorities;

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 72(1), point (p)				
898	(p) monitoring the level of transparency, including of wholesale prices, and ensuring compliance of natural gas and hydrogen undertakings with transparency obligations;	(p) monitoring the level of transparency, including of wholesale prices, and ensuring compliance of natural gas and hydrogen undertakings with transparency obligations;	(p) monitoring the level of transparency, including of wholesale prices, and ensuring compliance of natural gas and hydrogen undertakings with transparency obligations;	(p) monitoring the level of transparency, including of wholesale prices, and ensuring compliance of natural gas and hydrogen undertakings with transparency obligations; Text Origin: Commission Proposal
Article 72(1), point (q)				
899	(q) monitoring the level and effectiveness of market opening and competition at wholesale and retail levels, including on natural gas and hydrogen exchanges, prices for household customers including prepayment systems, switching rates, disconnection rates, charges for and the execution of maintenance services and complaints by household customers, as well as any distortion or restriction of competition, including providing any relevant information, and bringing any relevant cases to the relevant	(q) actively monitoring the level and effectiveness of market opening and competition at wholesale and retail levels, including on natural gas and hydrogen exchanges, prices for household customers including prepayment systems, price spikes and their impact on retail and consumer prices, the relationship between household prices and wholesale prices, how network costs and policy levies are passed through to customers, the evolution of supplier operational costs and margins across different	(q) monitoring the level and effectiveness of market opening and competition at wholesale and retail levels, including on natural gas and hydrogen exchanges, prices for household customers including prepayment systems, switching rates, disconnection rates, charges for and the execution of maintenance services and complaints by household customers, as well as any distortion or restriction of competition, including providing any relevant information, and bringing any relevant cases to the relevant	(q) monitoring the level and effectiveness of market opening and competition at wholesale and retail levels, including on natural gas and hydrogen exchanges, prices for household customers including prepayment systems, <u>transparency of offers, price spikes and their impact on retail and consumer prices, the relationship between household prices and wholesale prices,</u> switching rates, disconnection rates, charges for and the execution of maintenance services and complaints by household

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	competition authorities;	<i>final customer groups, the number of tariffs available to different customer groups, number of offers restricted to different sale channels, number of customers on bundled contracts, satisfaction with the service provided by their supplier and complaint handling services, switching rates and switching times, including gas switches, disconnection rates, charges for and the execution of maintenance services, the number of disconnections and the reasons for such disconnections and customers in debt, in particular with regard to vulnerable customers and customers who are affected by or at risk of energy poverty, and complaints by household customers, as well as any distortion or restriction of competition, including providing any relevant information, and bringing any relevant cases to the relevant competition or consumer protection authorities, the share of energy efficiency measures under Article 8 of Directive (EU) .../... implemented as a priority in households affected by or at risk of energy poverty and living in</i>	competition authorities;	customers, as well as any distortion or restriction of competition, including providing any relevant information, and bringing any relevant cases to the relevant competition authorities, <u>in particular with regard to vulnerable customers and customers who are affected by poverty.</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>social housing;</i>		
Article 72(1), point (r)				
900	(r) monitoring the occurrence of restrictive contractual practices, including exclusivity clauses which may prevent large non-household customers from contracting simultaneously with more than one supplier or restrict their choice to do so, and, where appropriate, informing the national competition authorities of such practices;	(r) monitoring the occurrence of restrictive contractual practices, including exclusivity clauses which may prevent large non-household customers from contracting simultaneously with more than one supplier or restrict their choice to do so, and, where appropriate, informing the national competition authorities of such practices;	(r) monitoring the occurrence of restrictive contractual practices, including exclusivity clauses which may prevent large non-household customers from contracting simultaneously with more than one supplier or restrict their choice to do so, and, where appropriate, informing the national competition authorities of such practices;	(r) monitoring the occurrence of restrictive contractual practices, including exclusivity clauses which may prevent large non-household customers from contracting simultaneously with more than one supplier or restrict their choice to do so, and, where appropriate, informing the national competition authorities of such practices; Text Origin: Commission Proposal
Article 72(1), point (s)				
901	(s) respecting contractual freedom with regard to long-term contracts provided that they are compatible with Union law and consistent with Union policies and provided they contribute to decarbonisation objectives. No long-term contracts for supply of unabated fossil gas shall be concluded with a duration beyond the end of year 2049;	(s) respecting contractual freedom with regard to <i>long-term supply and capacity contracts, including hydrogen long-term contracts and hydrogen purchase agreements</i> provided that they are compatible with Union law and consistent with Union policies and provided they contribute to decarbonisation objectives ;	(s) respecting contractual freedom with regard to long-term contracts provided that they are compatible with Union law and consistent with Union policies and provided they contribute to decarbonisation objectives. No long-term contracts for supply of unabated fossil gas shall be concluded with a duration beyond the end of year 2049;	(s) respecting contractual freedom with regard to long-term contracts provided that they are compatible with Union law and consistent with Union policies and provided they contribute to decarbonisation objectives. No long-term contracts for supply of unabated fossil gas shall be concluded with a duration beyond the end of year 2049; Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 72(1), point (t)			
902	(t) monitoring the time taken by natural gas transmission and distribution system operators or hydrogen network operators to make connections and repairs;	(t) monitoring the time taken by natural gas transmission and distribution system operators or hydrogen network operators <i>to assess network connection requests by renewable gas producers, including technical studies, and</i> to make connections and repairs <i>for renewable gas producers and end-users</i> ;	(t) monitoring the time taken by natural gas transmission and distribution system operators or hydrogen network operators to make connections and repairs;	(t) monitoring the time taken by natural gas transmission and distribution system operators or hydrogen network operators to make connections and repairs <u>including network connection requests by biomethane production facilities</u> ;
	Article 72(1), point (u)			
903	(u) monitoring and reviewing the access conditions to storage, linepack and other ancillary services as provided for in Article 29 or Article 33. In the event that the access regime to natural gas storage is defined according to Article 29 (3), that task shall exclude the reviewing of tariffs;	(u) monitoring and reviewing the access conditions to storage, linepack and other ancillary services as provided for in Article 29 or ■ 33. In the event that the access regime to natural gas storage is defined <i>pursuant</i> to Article 29(3) , that task shall exclude the reviewing of tariffs;	(u) monitoring and reviewing the access conditions to storage, linepack and other ancillary services as provided for in Article 29 or Article 33. In the event that the access regime to natural gas storage is defined according to Article 29 (3), that task shall exclude the reviewing of tariffs;	(u) monitoring and reviewing the access conditions to storage, linepack and other ancillary services as provided for in Article 29 or ~~Article~~ 33. In the event that the access regime to natural gas storage is defined <u>according pursuant</u> to Article ~~29~~ 29(3) , that task shall exclude the reviewing of tariffs;
	Article 72(1), point (v)			
904	(v) helping to ensure, together with other relevant authorities, that	(v) <i>ensuring</i> , together with other relevant authorities, that the	(v) helping to ensure, together with other relevant authorities, that	(v) helping to ensure, together with other relevant authorities, that

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the consumer protection measures, including those set out in Annex I, are effective and enforced;	consumer protection measures, including those set out in Annex I, are effective and enforced <i>through proper monitoring and reporting, such monitoring taking into account consumer interests and, in particular, assessing:</i>	the consumer protection measures, including those set out in Annex I, are effective and enforced;	the consumer protection measures, including those set out in Annex I, are effective and enforced;
	Article 72(1), point (v)(i)			
904a		<i>(i) the level of debt, in particular with regard to vulnerable customers and customers affected by or at risk of energy poverty, the barriers for customers to exercise their rights, including access to information on out-of-court dispute settlement mechanism, the availability and access to information with regard to energy offers, and possibility to compare energy offers by using certified comparison tools;</i>		<u>Deleted</u>
	Article 72(1), point (v)(ii)			
904b		<i>(ii) the existence of misleading practices and offers;</i>		<u>Deleted</u>
	Article 72(1), point (v)(iv)			
904d				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>(iv) the existence of measures to promote energy savings and renewable energy deployment for household customers affected by energy poverty, and in particular by assessing the effectiveness of measures under Article 25;</i>		<u>Deleted</u>
Article 72(1), point (v)(v)				
904e		<i>(va) set minimum binding requirements for offers to be labelled as ‘green tariffs’, based on the ability of suppliers to substantiate the additionality of the contract by showing how consumers’ money is used to increase installed capacity of sustainable renewable energy beyond what would otherwise be installed;</i>		<u>Deleted</u>
Article 72(1), point (w)				
905	(w) publishing recommendations, at least annually, in relation to compliance of supply prices with Article 6, and providing those to the competition authorities, where appropriate;	(w) publishing recommendations, at least annually, in relation to compliance of supply prices with Article 6, and providing those to the competition authorities, where appropriate;	(w) publishing recommendations, at least annually, in relation to compliance of supply prices with Article 6, and providing those to the competition authorities, where appropriate;	(w) publishing recommendations, at least annually, in relation to compliance of supply prices with Article 6, and providing those to the competition authorities, where appropriate; Text Origin: Commission

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				Proposal
Article 72(1), point (x)				
906	(x) ensuring non-discriminatory access to customer consumption data, the provision for optional use, of an easily understandable harmonised format at national level for consumption data and prompt access for all customers to such data pursuant Articles 22 and 23;	(x) ensuring non-discriminatory access to customer consumption data, the provision for optional use, of an easily understandable harmonised format at national level for consumption data and prompt access for all customers to such data pursuant Articles 22 and 23;	(x) ensuring non-discriminatory access to customer consumption data, the provision for optional use, of an easily understandable harmonised format at national level for consumption data and prompt access for all customers to such data pursuant Articles 22 and 23 ;	(x) ensuring non-discriminatory access to customer consumption data, the provision for optional use, of an easily understandable harmonised format at national level for consumption data and prompt access for all customers to such data pursuant Articles 22 and 23; Text Origin: Commission Proposal
Article 72(1), point (y)				
907	(y) monitoring the implementation of rules relating to the roles and responsibilities of transmission system operators, distribution system operators, hydrogen network operators, suppliers and customers and other market parties pursuant to [recast Gas Regulation as proposed in COM(2021) xxx];	(y) monitoring the strict implementation of rules relating to the roles and responsibilities of transmission system operators, distribution system operators, hydrogen network operators, suppliers and customers and other market parties pursuant to [recast Gas Regulation as proposed in COM(2021) xxx], including rules requiring network operators to maintain separate regulatory asset base for gas, electricity and hydrogen assets and ensuring that	(y) monitoring the implementation of rules relating to the roles and responsibilities of transmission system operators, distribution system operators, hydrogen network operators, suppliers and customers and other market parties pursuant to [recast Gas Regulation as proposed in COM(2021)- ~~xxx~~ 804];	(y) monitoring the implementation of rules relating to the roles and responsibilities of transmission system operators, distribution system operators, hydrogen network operators, suppliers and customers and other market parties pursuant to [recast Gas Regulation as proposed in COM(2021)- ~~xxx~~ 804]; Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>financial transfers between different regulatory asset bases do not take place;</i>		
Article 72(1), point (z)				
908	(z) monitoring the correct application of the criteria that determine whether a natural gas storage facility falls under Article 29 (3) or (4); and	(z) monitoring the correct application of the criteria that determine whether a natural gas storage facility falls under Article 29(3) or (4);	(z) monitoring the correct application of the criteria that determine whether a natural gas storage facility falls under Article 29 (3) or (4); and	(z) monitoring the correct application of the criteria that determine whether a natural gas storage facility falls under Article 29 (3) or (4); ~~and~~ Text Origin: Commission Proposal
Article 72(1), point (aa)				
909	(aa) monitoring the implementation of safeguards measures as referred to in Article 77;	(aa) monitoring the implementation of safeguards measures as referred to in Article 77;	(aa) monitoring the implementation of safeguards measures as referred to in Article 77;	(aa) monitoring the implementation of safeguards measures as referred to in Article 77; Text Origin: Commission Proposal
Article 72(1), point (bb)				
910	(bb) contributing to the compatibility of data exchanges processes for the most important market processes at regional level;	(bb) contributing to the compatibility of data exchanges processes for the most important market processes at regional level;	(bb) contributing to the compatibility of data exchanges processes for the most important market processes at regional level;	(bb) contributing to the compatibility of data exchanges processes for the most important market processes at regional level;

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				Text Origin: Commission Proposal
	Article 72(1), point (cc)			
911	(cc) implementing the network codes and guidelines adopted pursuant Article 52 through national measures or, where so required, coordinated regional or Union-wide measures;	(cc) implementing the network codes and guidelines adopted pursuant Article 52 through national measures or, where so required, coordinated regional or Union-wide measures;	(cc) implementing the network codes and guidelines adopted pursuant Article 52 of the [recast Gas Regulation] through national measures or, where so required, coordinated regional or Union-wide measures;	(cc) implementing the network codes and guidelines adopted pursuant Article 52 <u>of the [recast Gas Regulation]</u> through national measures or, where so required, coordinated regional or Union-wide measures; Text Origin: Council Mandate
	Article 72(1), point (dd)			
912	(dd) ensuring a transparent and efficient process for the setting up of the national network development plan in line with the requirements set out in Articles 51 and 52;	(dd) ensuring <i>an open, transparent, efficient and inclusive</i> process for the setting up of the national network development plan in line with the requirements set out in Articles 51 <i>and of the distribution network plan in line with the requirements set out in Article 52b</i> ;	(dd) ensuring a transparent and efficient process for the setting up of the national network development plan in line with the requirements set out in Articles 51 and 52;	(dd) ensuring ~~an open,~~ transparent, <u>efficient and inclusive</u> ~~and efficient~~ process for the setting up of the national network development plan in line with the requirements set out in Articles 51 and <u>where relevant of the hydrogen distribution network plan in line with the requirements set out in Article 52 and the network decommissioning plan in line with the requirements set out in Article 52b.</u> ~~52;~~
	Article 72(1), point (ee)			

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913	(ee) approving and amending the network development plan;	(ee) approving, <i>amending or requiring the transmission system operator or the hydrogen transmission operator to amend the network development plans as referred to in Article 51 and publish that decision, including a report</i> ;	(ee) approving and amending the network development ~~plan~~ plans as referred to in Article 51, Article 52 (6) and Article 52 (7);	(ee) approving and amending the network development ~~plan~~ plans <u>referred to in Article 51 and where relevant, in Article 52b</u> ;
Article 72(1), point (eea)				
913a		(eea) approving, rejecting or requesting to amend the distribution network development plans as referred to in Article 52b and publish that decision, including a report;		<u>(eea) examining and when applicable requiring amendments as referred to in article 52(3)</u>
Article 72(1), point (eeb)				
913b		(eeb) providing for the stakeholder consultations as set out in Article 51;		<u>(eeb) Deleted</u>
Article 72(1), point (ff)				
914	(ff) monitoring gas quality control and management by transmission system operators, distribution system operators, storage system	(ff) monitoring gas quality control and management by transmission system operators, distribution system operators, storage system	(ff) ~~monitoring gas quality control and management by transmission system operators, distribution system operators, storage system~~	(ff) ~~monitoring gas quality control and management by transmission system operators, distribution system operators, storage system~~

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	operators and LNG facility operators;	operators and LNG facility operators;	operators and LNG facility operators;	~~operators and LNG facility operators;~~ ~~Deleted~~
Article 72(1), point (gg)				
915	(gg) monitoring the implementation of the measures taken in emergency state, as provided for in Regulation (EU) 2017/1938 and laid down in the national emergency plan, including solidarity measures under its Article 13;	(gg) monitoring the implementation of the measures taken in emergency state, as provided for in Regulation (EU) 2017/1938 and laid down in the national emergency plan, including solidarity measures under its Article 13;	(gg) monitoring the implementation of the measures taken in emergency state, as provided for in Regulation (EU) 2017/1938 and laid down in the national emergency plan, including solidarity measures under its Article 13;	(gg) ~~monitoring the implementation of the measures taken in emergency state, as provided for in Regulation (EU) 2017/1938 and laid down in the national emergency plan, including solidarity measures under its Article 13;~~ ~~Deleted~~
Article 72(1), point (hh)				
916	(hh) monitoring the availability of comparison websites, including comparison tools that fulfil the criteria in Article 12;	(hh) monitoring the availability of comparison websites, including comparison tools that fulfil the criteria in Article 12;	(hh) monitoring the availability of comparison websites, including comparison tools that fulfil the criteria in Article 12;	(hh) monitoring the availability of comparison websites, including comparison tools that fulfil the criteria in Article 12; Text Origin: Commission Proposal
Article 72(1), point (ii)				
917	(ii) monitoring the removal of unjustified obstacles to and restrictions on the development of consumption of self-generated renewable natural gas and citizen	(ii) monitoring the removal of unjustified obstacles to and restrictions on the development of consumption of self-generated renewable natural gas and	(ii) monitoring the removal of unjustified obstacles to and restrictions on the development of consumption of self-generated renewable natural gas and citizen	(ii) monitoring the removal of unjustified obstacles to and restrictions on the development of consumption of self-generated renewable natural gas ~~and citizen~~

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	energy communities.	<i>renewable</i> energy communities.	energy communities.	~~energy communities.~~
Article 72(2), first subparagraph				
918	2. Where a Member State has so provided, the monitoring duties set out in paragraph 1 may be carried out by other authorities than the regulatory authority. In such a case, the information resulting from such monitoring shall be made available to the regulatory authority as soon as possible.	2. Where a Member State has so provided, the monitoring duties set out in paragraph 1 may be carried out by other authorities than the regulatory authority. In such a case, the information resulting from such monitoring shall be made available to the regulatory authority as soon as possible.	2. Where a Member State has so provided, the monitoring duties set out in paragraph 1 may be carried out by other authorities than the regulatory authority. In such a case, the information resulting from such monitoring shall be made available to the regulatory authority as soon as possible.	2. Where a Member State has so provided, the monitoring duties set out in paragraph 1 may be carried out by other authorities than the regulatory authority. In such a case, the information resulting from such monitoring shall be made available to the regulatory authority as soon as possible. Text Origin: Commission Proposal
Article 72(2), second subparagraph				
919	While preserving their independence, without prejudice to their own specific competencies and consistent with the principles of better regulation, the regulatory authority shall, as appropriate, consult natural gas transmission system and hydrogen network operators and, as appropriate, closely cooperate with other relevant national authorities when carrying out the duties set out in paragraph 1.	While preserving their independence, without prejudice to their own specific competencies and consistent with the principles of better regulation, the regulatory authority shall, as appropriate, consult natural gas transmission system and hydrogen network operators and, as appropriate, closely cooperate with other relevant national authorities when carrying out the duties set out in paragraph 1.	While preserving their independence, without prejudice to their own specific competencies and consistent with the principles of better regulation, the regulatory authority shall, as appropriate, consult natural gas transmission system and hydrogen network operators and, as appropriate, closely cooperate with other relevant national authorities when carrying out the duties set out in paragraph 1.	While preserving their independence, without prejudice to their own specific competencies and consistent with the principles of better regulation, the regulatory authority shall, as appropriate, consult natural gas transmission system and hydrogen network operators and, as appropriate, closely cooperate with other relevant national authorities when carrying out the duties set out in paragraph 1.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 72(3)				
921	3. In addition to the duties conferred upon it under paragraph 1 of this Article, when an independent system operator or an independent hydrogen network operator has been designated under Article 55 or Article 62, the regulatory authority shall:	3. In addition to the duties conferred upon it under paragraph 1 of this Article, when an independent system operator or an independent hydrogen network operator has been designated under Article 55 or Article 62, the regulatory authority shall:	3. In addition to the duties conferred upon it under paragraph 1 of this Article, when an independent system operator or an independent hydrogen network operator has been designated under Article 55 or Article 62, the regulatory authority shall:	3. In addition to the duties conferred upon it under paragraph 1 of this Article, when an independent system operator or an independent hydrogen network operator has been designated under Article 55 or Article 62, the regulatory authority shall: Text Origin: Commission Proposal
Article 72(3), point (a)				
922	(a) monitor the transmission system owner's and the independent system operator's and hydrogen network owner's and independent hydrogen network operator's compliance with their obligations under this Article, and issue penalties for non compliance in accordance with paragraph 4, point (d);	(a) monitor the transmission system owner's and the independent system operator's and hydrogen network owner's and independent hydrogen network operator's compliance with their obligations under this Article, and issue penalties for non compliance in accordance with paragraph 4, point (d);	(a) monitor the transmission system owner's and the independent system operator's and hydrogen network owner's and independent hydrogen network operator's compliance with their obligations under this Article, and issue penalties for non compliance in accordance with paragraph 4, point (d);	(a) monitor the transmission system owner's and the independent system operator's and hydrogen network owner's and independent hydrogen network operator's compliance with their obligations under this Article, and issue penalties for non compliance in accordance with paragraph 4, point (d); Text Origin: Commission Proposal

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	Article 72(3), point (b)			
923	(b) monitor the relations and communications between the independent system operator and the transmission system owner or the hydrogen network owner and the independent hydrogen network operator, so as to ensure compliance of the independent system operator or the independent hydrogen network operator with its obligations, and in particular approve contracts and act as a dispute settlement authority between the independent system operator and the transmission system owner or the hydrogen network owner and the independent hydrogen network operator in respect of any complaint submitted by either party pursuant to paragraph 11;	(b) monitor the relations and communications between the independent system operator and the transmission system owner or the hydrogen network owner and the independent hydrogen network operator, so as to ensure compliance of the independent system operator or the independent hydrogen network operator with its obligations, and in particular approve contracts and act as a dispute settlement authority between the independent system operator and the transmission system owner or the hydrogen network owner and the independent hydrogen network operator in respect of any complaint submitted by either party pursuant to paragraph 11;	(b) monitor the relations and communications between the independent system operator and the transmission system owner or the hydrogen network owner and the independent hydrogen network operator, so as to ensure compliance of the independent system operator or the independent hydrogen network operator with its obligations, and in particular approve contracts and act as a dispute settlement authority between the independent system operator and the transmission system owner or the hydrogen network owner and the independent hydrogen network operator in respect of any complaint submitted by either party pursuant to paragraph 11;	(b) monitor the relations and communications between the independent system operator and the transmission system owner or the hydrogen network owner and the independent hydrogen network operator, so as to ensure compliance of the independent system operator or the independent hydrogen network operator with its obligations, and in particular approve contracts and act as a dispute settlement authority between the independent system operator and the transmission system owner or the hydrogen network owner and the independent hydrogen network operator in respect of any complaint submitted by either party pursuant to paragraph 11; Text Origin: Commission Proposal
	Article 72(3), point (c)			
924	(c) without prejudice to the procedure under Article 55(2),	(c) without prejudice to the procedure under Article 55(2),	(c) without prejudice to the procedure under Article 55(2),	(c) without prejudice to the procedure under Article 55(2),

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	point (c), for the first ten-year network development plan, approve the investments planning and the multi-annual network development plan presented annually by the independent system operator or the independent hydrogen network operator;	point (c), for the first ten-year network development plan, approve the investments planning and the multi-annual network development plan presented annually by the independent system operator or the independent hydrogen network operator;	point (c), for the first ten-year network development plan, approve the investments planning and the multi-annual network development plan presented annually by the independent system operator or the independent hydrogen network operator;	point (c), for the first ten-year network development plan, approve the investments planning and the multi-annual network development plan presented annually by the independent system operator or the independent hydrogen network operator; Text Origin: Commission Proposal
Article 72(3), point (d)				
925	(d) ensure that network access tariffs collected by the independent system operator or the independent hydrogen network operator include remuneration for the network owner or network owners, which provides for adequate remuneration of the network assets and of any new investments made therein, provided they are economically and efficiently incurred;	(d) ensure that network access tariffs collected by the independent system operator or the independent hydrogen network operator include remuneration for the network owner or network owners, which provides for adequate remuneration of the network assets and of any new investments made therein, provided they are economically and efficiently incurred;	(d) ensure that network access tariffs collected by the independent system operator or the independent hydrogen network operator include remuneration for the network owner or network owners, which provides for adequate remuneration of the network assets and of any new investments made therein, provided they are economically and efficiently incurred;	(d) ensure that network access tariffs collected by the independent system operator or the independent hydrogen network operator include remuneration for the network owner or network owners, which provides for adequate remuneration of the network assets and of any new investments made therein, provided they are economically and efficiently incurred; Text Origin: Commission Proposal
Article 72(3), point (e)				
926	(e) have the powers to carry out inspections, including	(e) have the powers to carry out inspections, including	(e) have the powers to carry out inspections, including	(e) have the powers to carry out inspections, including

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	unannounced inspections, at the premises of transmission system owner and independent system operator, or of the hydrogen network owner and the independent hydrogen network operator.	unannounced inspections, at the premises of transmission system owner and independent system operator, or of the hydrogen network owner and the independent hydrogen network operator.	unannounced inspections, at the premises of transmission system owner and independent system operator, or of the hydrogen network owner and the independent hydrogen network operator.	unannounced inspections, at the premises of transmission system owner and independent system operator, or of the hydrogen network owner and the independent hydrogen network operator. Text Origin: Commission Proposal
Article 72(4)				
927	4. Member States shall ensure that regulatory authorities are granted the powers enabling them to carry out the duties referred to in paragraphs 1, 3 and 6 in an efficient and expeditious manner. For this purpose, the regulatory authority shall have at least the following powers:	4. Member States shall ensure that regulatory authorities are granted the powers enabling them to carry out the duties referred to in paragraphs 1, 3 and 6 in an efficient and expeditious manner. For this purpose, the regulatory authority shall have at least the following powers:	4. Member States shall ensure that regulatory authorities are granted the powers enabling them to carry out the duties referred to in paragraphs 1, 3 and 6 in an efficient and expeditious manner. For this purpose, the regulatory authority shall have at least the following powers:	4. Member States shall ensure that regulatory authorities are granted the powers enabling them to carry out the duties referred to in paragraphs 1, 3 and 6 in an efficient and expeditious manner. For this purpose, the regulatory authority shall have at least the following powers: Text Origin: Commission Proposal
Article 72(4), point (a)				
928	(a) to issue binding decisions on natural gas and hydrogen undertakings;	(a) to issue binding decisions on natural gas and hydrogen undertakings;	(a) to issue binding decisions on natural gas and hydrogen undertakings;	(a) to issue binding decisions on natural gas and hydrogen undertakings; Text Origin: Commission

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				Proposal
Article 72(4), point (b)				
929	(b) to carry out investigations into the functioning of the markets for gases, and to decide upon and impose any necessary and proportionate measures to promote effective competition and ensure the proper functioning of the markets for gases and, where appropriate, the regulatory authority shall also have the power to cooperate with the national competition authority and the financial market regulators or the Commission in conducting an investigation relating to competition law;	(b) to carry out investigations into the functioning of the markets for gas , and to decide upon and impose any necessary and proportionate measures to promote effective competition and ensure the proper functioning of the markets for gas and where appropriate, the regulatory authority shall also have the power to cooperate with the national competition authority and the financial market regulators or the Commission in conducting an investigation relating to competition law;	(b) to carry out investigations into the functioning of the markets for gases, and to decide upon and impose any necessary and proportionate measures to promote effective competition and ensure the proper functioning of the markets for gases and, where appropriate, the regulatory authority shall also have the power to cooperate with the national competition authority and the financial market regulators or the Commission in conducting an investigation relating to competition law;	(b) to carry out investigations into the functioning of the markets for gases, and to decide upon and impose any necessary and proportionate measures to promote effective competition and ensure the proper functioning of the markets for gases and, where appropriate, the regulatory authority shall also have the power to cooperate with the national competition authority and the financial market regulators or the Commission in conducting an investigation relating to competition law; Gas - gases issue to be solved at later stage Text Origin: Commission Proposal
Article 72(4), point (c)				
930	(c) to require any information from natural gas and hydrogen undertakings relevant for the	(c) to require any information from natural gas and hydrogen undertakings relevant for the	(c) to require any information from natural gas and hydrogen undertakings relevant for the	(c) to require any information from natural gas and hydrogen undertakings relevant for the

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	fulfilment of its tasks, including the justification for any refusal to grant third-party access, and any information on measures necessary to reinforce the network;	fulfilment of its tasks, including the justification for any refusal to grant third-party access, and any information on measures necessary to reinforce the network;	fulfilment of its tasks, including the justification for any refusal to grant third-party access, and any information on measures necessary to reinforce the network;	fulfilment of its tasks, including the justification for any refusal to grant third-party access, and any information on measures necessary to reinforce the network; Text Origin: Commission Proposal
Article 72(4), point (d)				
931	(d) to impose effective, proportionate and dissuasive penalties on natural gas and hydrogen undertakings not complying with their obligations under this Directive or any relevant legally binding decisions of the regulatory authority or of ACER, or to propose to a competent court to impose such penalties, including the power to impose or propose the imposition of penalties of up to 10 % of the annual turnover of the transmission system operator or hydrogen network operator or of up to 10 % of the annual turnover of the vertically integrated undertaking on the transmission system operator or hydrogen network operator or on the vertically integrated undertaking, as the case may be, for non	(d) to impose effective, proportionate and dissuasive penalties on natural gas and hydrogen undertakings not complying with their obligations under this Directive or any relevant legally binding decisions of the regulatory authority or of ACER, or to propose to a competent court to impose such penalties, including the power to impose or propose the imposition of penalties of up to 10 % of the annual turnover of the transmission system operator or hydrogen network operator or of up to 10 % of the annual turnover of the vertically integrated undertaking on the transmission system operator or hydrogen network operator or on the vertically integrated undertaking, as the case may be, for non	(d) to impose effective, proportionate and dissuasive penalties on natural gas and hydrogen undertakings not complying with their obligations under this Directive or any relevant legally binding decisions of the regulatory authority or of ACER, or to propose to a competent court to impose such penalties, including the power to impose or propose the imposition of penalties of up to 10 % of the annual turnover of the transmission system operator or hydrogen network operator or of up to 10 % of the annual turnover of the vertically integrated undertaking on the transmission system operator or hydrogen network operator or on the vertically integrated undertaking, as the case may be, for non	(d) to impose effective, proportionate and dissuasive penalties on natural gas and hydrogen undertakings not complying with their obligations under this Directive or any relevant legally binding decisions of the regulatory authority or of ACER, or to propose to a competent court to impose such penalties, including the power to impose or propose the imposition of penalties of up to 10 % of the annual turnover of the transmission system operator or hydrogen network operator or of up to 10 % of the annual turnover of the vertically integrated undertaking on the transmission system operator or hydrogen network operator or on the vertically integrated undertaking, as the case may be, for non

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	compliance with their respective obligations pursuant to this Directive;	compliance with their respective obligations pursuant to this Directive;	compliance with their respective obligations pursuant to this Directive;	compliance with their respective obligations pursuant to this Directive; Text Origin: Commission Proposal
Article 72(4), point (e)				
932	(e) appropriate rights of investigations and relevant powers of instructions for dispute settlement under paragraphs 11 and 12.	(e) appropriate rights of investigations and relevant powers of instructions for dispute settlement under paragraphs 11 and 12.	(e) appropriate rights of investigations and relevant powers of instructions for dispute settlement under paragraphs 11 and 12.	(e) appropriate rights of investigations and relevant powers of instructions for dispute settlement under paragraphs 11 and 12. Text Origin: Commission Proposal
Article 72(5)				
933	5. The regulatory authority located in the Member State in which the ENTSO for Gas, the European Network of Network Operators for Hydrogen or the EU DSO entity has its seat shall have the power to impose effective, proportionate and dissuasive penalties on those entities where they do not comply with their obligations under this Directive, [the recast Gas Regulation proposed in COM(2021) xxx] or any relevant	5. The regulatory authority located in the Member State in which the ENTSO for Gas, the European Network of Network Operators for Hydrogen or the EU DSO entity has its seat shall have the power to impose effective, proportionate and dissuasive penalties on those entities where they do not comply with their obligations under this Directive, [the recast Gas Regulation proposed in COM(2021) xxx] or any relevant	5. The regulatory authority located in the Member State in which the ENTSO for Gas, the European Network of Network Operators for Hydrogen or the EU DSO entity has its seat shall have the power to impose effective, proportionate and dissuasive penalties on those entities where they do not comply with their obligations under this Directive, [the recast Gas Regulation proposed in COM(2021)- ~~xxx~~ 804] or any	5. The regulatory authority located in the Member State in which the ENTSO for Gas, the European Network of Network Operators for Hydrogen or the EU DSO entity has its seat shall have the power to impose effective, proportionate and dissuasive penalties on those entities where they do not comply with their obligations under this Directive, [the recast Gas Regulation proposed in COM(2021)- ~~xxx~~ 804] or any

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	legally binding decisions of the regulatory authority or of ACER, or to propose that a competent court impose such penalties.	legally binding decisions of the regulatory authority or of ACER, or to propose that a competent court impose such penalties.	relevant legally binding decisions of the regulatory authority or of ACER, or to propose that a competent court impose such penalties.	relevant legally binding decisions of the regulatory authority or of ACER, or to propose that a competent court impose such penalties. Text Origin: Council Mandate
Article 72(6)				
934	6. In addition to the duties and powers conferred on it under paragraphs 1 and 4 of this Article, when an independent transmission operator or an integrated hydrogen network operator has been designated in accordance with Chapter IX, Section 3, the regulatory authority shall be granted at least the following duties and powers:	6. In addition to the duties and powers conferred on it under paragraphs 1 and 4 of this Article, when an independent transmission operator or an integrated hydrogen network operator has been designated in accordance with Chapter IX, Section 3, the regulatory authority shall be granted at least the following duties and powers:	6. In addition to the duties and powers conferred on it under paragraphs 1 and 4 of this Article, when an independent transmission operator or an integrated hydrogen network operator has been designated in accordance with Chapter IX, Section 3, the regulatory authority shall be granted at least the following duties and powers:	6. In addition to the duties and powers conferred on it under paragraphs 1 and 4 of this Article, when an independent transmission operator or an integrated hydrogen network operator has been designated in accordance with Chapter IX, Section 3, the regulatory authority shall be granted at least the following duties and powers: Text Origin: Commission Proposal
Article 72(6), point (a)				
935	(a) to issue penalties in accordance with paragraph 4, point (d) for discriminatory behaviour in favour of the vertically integrated undertaking;	(a) to issue penalties in accordance with paragraph 4, point (d) for discriminatory behaviour in favour of the vertically integrated undertaking;	(a) to issue penalties in accordance with paragraph 4, point (d) for discriminatory behaviour in favour of the vertically integrated undertaking;	(a) to issue penalties in accordance with paragraph 4, point (d) for discriminatory behaviour in favour of the vertically integrated undertaking;

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				Text Origin: Commission Proposal
Article 72(6), point (b)				
936	(b) to monitor communications between the transmission system operator or an integrated hydrogen network operator and the vertically integrated undertaking so as to ensure compliance of the transmission system operator or the integrated hydrogen network operator with its obligations;	(b) to monitor communications between the transmission system operator or an integrated hydrogen network operator and the vertically integrated undertaking so as to ensure compliance of the transmission system operator or the integrated hydrogen network operator with its obligations;	(b) to monitor communications between the transmission system operator or an integrated hydrogen network operator and the vertically integrated undertaking so as to ensure compliance of the transmission system operator or the integrated hydrogen network operator with its obligations;	(b) to monitor communications between the transmission system operator or an integrated hydrogen network operator and the vertically integrated undertaking so as to ensure compliance of the transmission system operator or the integrated hydrogen network operator with its obligations; Text Origin: Commission Proposal
Article 72(6), point (c)				
937	(c) to act as dispute settlement authority between the vertically integrated undertaking and the transmission system operator or the integrated hydrogen network operator in respect of any complaint submitted pursuant to paragraph 11;	(c) to act as dispute settlement authority between the vertically integrated undertaking and the transmission system operator or the integrated hydrogen network operator in respect of any complaint submitted pursuant to paragraph 11;	(c) to act as dispute settlement authority between the vertically integrated undertaking and the transmission system operator or the integrated hydrogen network operator in respect of any complaint submitted pursuant to paragraph 11;	(c) to act as dispute settlement authority between the vertically integrated undertaking and the transmission system operator or the integrated hydrogen network operator in respect of any complaint submitted pursuant to paragraph 11; Text Origin: Commission Proposal
Article 72(6), point (d)				

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938	(d) to monitor commercial and financial relations including loans between the vertically integrated undertaking and the transmission system operator or the integrated hydrogen network operator;	(d) to monitor commercial and financial relations including loans between the vertically integrated undertaking and the transmission system operator or the integrated hydrogen network operator;	(d) to monitor commercial and financial relations including loans between the vertically integrated undertaking and the transmission system operator or the integrated hydrogen network operator;	(d) to monitor commercial and financial relations including loans between the vertically integrated undertaking and the transmission system operator or the integrated hydrogen network operator; Text Origin: Commission Proposal
Article 72(6), point (e)				
939	(e) to approve all commercial and financial agreements between the vertically integrated undertaking and the transmission system operator or the integrated hydrogen network operator, on the condition that they comply with market conditions;	(e) to approve all commercial and financial agreements between the vertically integrated undertaking and the transmission system operator or the integrated hydrogen network operator, on the condition that they comply with market conditions;	(e) to approve all commercial and financial agreements between the vertically integrated undertaking and the transmission system operator or the integrated hydrogen network operator, on the condition that they comply with market conditions;	(e) to approve all commercial and financial agreements between the vertically integrated undertaking and the transmission system operator or the integrated hydrogen network operator, on the condition that they comply with market conditions; Text Origin: Commission Proposal
Article 72(6), point (f)				
940	(f) to request justification from the vertically integrated undertaking when notified by the compliance officer in accordance with Article 64(4), in particular including evidence to the end that no	(f) to request justification from the vertically integrated undertaking when notified by the compliance officer in accordance with Article 64(4), in particular including evidence to the end that no	(f) to request justification from the vertically integrated undertaking when notified by the compliance officer in accordance with Article 64(4), in particular including evidence to the end that no	(f) to request justification from the vertically integrated undertaking when notified by the compliance officer in accordance with Article 64(4), in particular including evidence to the end that no

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	discriminatory behaviour to the advantage of the vertically integrated undertaking has occurred;	discriminatory behaviour to the advantage of the vertically integrated undertaking has occurred;	discriminatory behaviour to the advantage of the vertically integrated undertaking has occurred;	discriminatory behaviour to the advantage of the vertically integrated undertaking has occurred; Text Origin: Commission Proposal
Article 72(6), point (g)				
941	(g) to carry out inspections, including unannounced inspections, on the premises of the vertically integrated undertaking and the transmission system operator or the integrated hydrogen network operator;	(g) to carry out inspections, including unannounced inspections, on the premises of the vertically integrated undertaking and the transmission system operator or the integrated hydrogen network operator;	(g) to carry out inspections, including unannounced inspections, on the premises of the vertically integrated undertaking and the transmission system operator or the integrated hydrogen network operator;	(g) to carry out inspections, including unannounced inspections, on the premises of the vertically integrated undertaking and the transmission system operator or the integrated hydrogen network operator; Text Origin: Commission Proposal
Article 72(6), point (h)				
942	(h) to assign all or specific tasks of the transmission system operator or the integrated hydrogen network operator to an independent system operator or an independent hydrogen network operator, appointed in accordance with Article 64 in case of a persistent breach by the transmission system operator or the integrated hydrogen	(h) to assign all or specific tasks of the transmission system operator or the integrated hydrogen network operator to an independent system operator or an independent hydrogen network operator, appointed in accordance with Article 64 in case of a persistent breach by the transmission system operator or the integrated hydrogen	(h) to assign all or specific tasks of the transmission system operator or the integrated hydrogen network operator to an independent system operator or an independent hydrogen network operator, appointed in accordance with Article 64 in case of a persistent breach by the transmission system operator or the integrated hydrogen	(h) to assign all or specific tasks of the transmission system operator or the integrated hydrogen network operator to an independent system operator or an independent hydrogen network operator, appointed in accordance with Article 64 in case of a persistent breach by the transmission system operator or the integrated hydrogen

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	network operator of its obligations under this Directive, in particular in case of repeated discriminatory behaviour to the benefit of the vertically integrated undertaking.	network operator of its obligations under this Directive, in particular in case of repeated discriminatory behaviour to the benefit of the vertically integrated undertaking.	network operator of its obligations under this Directive, in particular in case of repeated discriminatory behaviour to the benefit of the vertically integrated undertaking.	network operator of its obligations under this Directive, in particular in case of repeated discriminatory behaviour to the benefit of the vertically integrated undertaking. Text Origin: Commission Proposal
Article 72(7)				
943	7. The regulatory authorities shall be responsible for fixing or approving sufficiently in advance of their entry into force at least the methodologies used to calculate or establish the terms and conditions for:	7. The regulatory authorities shall be responsible for fixing or approving sufficiently in advance of their entry into force at least the methodologies used to calculate or establish the terms and conditions for:	7. The regulatory authorities shall be responsible for fixing or approving sufficiently in advance of their entry into force at least the methodologies used to calculate or establish the terms and conditions for:	7. The regulatory authorities shall be responsible for fixing or approving sufficiently in advance of their entry into force at least the methodologies used to calculate or establish the terms and conditions for: Text Origin: Commission Proposal
Article 72(7), point (a)				
944	(a) connection and access to national natural gas networks, including transmission and distribution tariffs, and terms, conditions and tariffs for access to LNG facilities, whereby tariffs or methodologies shall allow the necessary investments in the networks and LNG facilities to be	(a) connection and access to national natural gas networks, including transmission and distribution tariffs, and terms, conditions and tariffs for access to LNG facilities, whereby tariffs or methodologies shall allow the necessary investments in the networks and LNG facilities to be	(a) connection and access to national natural gas networks, including transmission and distribution tariffs, and terms, conditions and tariffs for access to LNG facilities, whereby. tariffs or methodologies shall allow the necessary investments in the networks and LNG facilities to be	(a) connection and access to national natural gas networks, including transmission and distribution tariffs, and terms, conditions and tariffs for access to LNG facilities, whereby tariffs or methodologies shall allow the necessary investments in the networks and LNG facilities to be

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	carried out in a manner allowing those investments to ensure the viability of the networks and LNG facilities;	carried out in a manner allowing those investments to ensure the viability of the networks and LNG facilities;	carried out in a manner allowing those investments to ensure the viability of the networks and LNG facilities;	carried out in a manner allowing those investments to ensure the viability of the networks and LNG facilities; Text Origin: Commission Proposal
Article 72(7), point (b)				
945	(b) connection and access to national hydrogen networks, including, as from 1 January 2031, the hydrogen network tariffs, where applicable, and terms and conditions and tariffs for access to for hydrogen storage and hydrogen terminals;	(b) connection and access to national hydrogen networks, including, as from 1 January 2031, the hydrogen network tariffs, where applicable, and terms and conditions and tariffs for access to for hydrogen storage and hydrogen terminals;	(b) connection and access to national hydrogen networks, including, as from 1 January 2031, the hydrogen network tariffs, where applicable, and terms and conditions and tariffs for access to for hydrogen storage and hydrogen terminals;	(b) connection and access to national hydrogen networks, including, ~~as from 1 January 2031,~~ ~~the~~ hydrogen network tariffs, where applicable, and terms and conditions and tariffs for access to for hydrogen storage and hydrogen terminals;
Article 72(7), point (c)				
946	(c) the provision of balancing services which shall be performed in the most economic manner and provide appropriate incentives for network users to balance their input and off-takes in a fair and non-discriminatory manner and be based on objective criteria;	(c) the provision of balancing services which shall be performed in the most economic manner and provide appropriate incentives for network users to balance their input and off-takes in a fair and non-discriminatory manner and be based on objective criteria;	(c) the provision of balancing services which shall be performed in the most economic manner and provide appropriate incentives for network users to balance their input and off-takes in a fair and non-discriminatory manner and be based on objective criteria;	(c) the provision of balancing services which shall be performed in the most economic manner and provide appropriate incentives for network users to balance their input and off-takes in a fair and non-discriminatory manner and be based on objective criteria; Text Origin: Commission Proposal

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Article 72(7), point (d)				
947	(d) approving and monitoring dedicated charges in accordance with Article 4 of [recast Gas Regulation as proposed in COM(2021) xxx].	(d) approving and monitoring dedicated charges in accordance with Article 4 of [recast Gas Regulation as proposed in COM(2021) xxx].	(d) approving and monitoring dedicated charges in accordance with Article 4 of [recast Gas Regulation as proposed in COM(2021)- ~~xxx~~ 804].	(d) approving and monitoring dedicated charges in accordance with Article 4 of [recast Gas Regulation as proposed in COM(2021)- ~~xxx~~ 804]. Text Origin: Council Mandate
Article 72(7), point (e)				
948	(e) access to cross-border infrastructures, including the procedures for the allocation of capacity and congestion management.	(e) access to cross-border infrastructures, including the procedures for the allocation of capacity and congestion management.	(e) access to cross-border infrastructures, including the procedures for the allocation of capacity and congestion management.	(e) access to cross-border infrastructures, including the procedures for the allocation of capacity and congestion management. Text Origin: Commission Proposal
Article 72(8)				
949	8. The methodologies or the terms and conditions referred to in paragraph 7 shall be published.	8. The methodologies or the terms and conditions referred to in paragraph 7 shall be published.	8. The methodologies or the terms and conditions referred to in paragraph 7 shall be published.	8. The methodologies or the terms and conditions referred to in paragraph 7 shall be published. Text Origin: Commission Proposal
Article 72(10)				
951				

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	10. The regulatory authorities shall monitor congestion management of national transmission networks and hydrogen networks including interconnectors, and the implementation of congestion management rules. To that end, transmission system operators, hydrogen network operators or market operators shall submit their congestion management rules, including capacity allocation, to the regulatory authorities. Regulatory authorities may request amendments to those rules.	10. <i>he</i> regulatory authorities shall monitor congestion management of national transmission networks and hydrogen networks including interconnectors, and the implementation of congestion management rules. To that end, transmission system operators, hydrogen network operators or market operators shall submit their congestion management rules, including capacity allocation, to the regulatory authorities. Regulatory authorities may request amendments to those rules. <i>This paragraph shall not apply to hydrogen distribution network operators.</i>	10. The regulatory authorities shall monitor congestion management of national transmission networks and hydrogen networks including interconnectors, and the implementation of congestion management rules. To that end, transmission system operators, hydrogen network operators or market operators shall submit their congestion management rules, including capacity allocation, to the regulatory authorities. Regulatory authorities may request amendments to those rules.	10. The regulatory authorities shall monitor congestion management of national transmission networks and hydrogen <u>transmission</u> networks including interconnectors <u>and hydrogen interconnectors</u> , and the implementation of congestion management rules. To that end, transmission system operators, hydrogen <u>transmission</u> network operators or market operators shall submit their congestion management rules, including capacity allocation, to the regulatory authorities. Regulatory authorities may request amendments to those rules.
Article 73				
952	Article 73 Decisions and complaints	Article 73 Decisions and complaints	Article 73 -Decisions and complaints	Article 73 Decisions and complaints Text Origin: Commission Proposal
Article 73(1)				
953	1. Regulatory authorities shall have the authority to require natural gas transmission, storage,	1. Regulatory authorities shall have the authority to require natural gas transmission, storage,	1. Regulatory authorities shall have the authority to require natural gas transmission, storage,	1. Regulatory authorities shall have the authority to require natural gas transmission, storage,

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	LNG and distribution system operators, hydrogen storage and terminal operators, and, as from 1 January 2031, hydrogen network operators if necessary, to modify the terms and conditions, including tariffs and methodologies referred to in this Article, to ensure that they are proportionate and applied in a non-discriminatory manner. In the event that the access regime to storage is defined according to Article 29(3), that task shall exclude the modification of tariffs. In the event of delay in the fixing of natural gas transmission and distribution tariffs and, where appropriate, hydrogen network tariffs, regulatory authorities shall have the power to fix or approve provisional transmission and distribution tariffs or methodologies and hydrogen network tariffs and methodologies and to decide on the appropriate compensatory measures if the final tariffs or methodologies deviate from those provisional tariffs or methodologies.	LNG and distribution system operators, hydrogen storage and terminal operators, and, as from 1 January 2031, hydrogen network operators if necessary, to modify the terms and conditions, including tariffs and methodologies referred to in this Article, to ensure that they are proportionate and applied in a non-discriminatory manner. In the event that the access regime to storage is defined <i>pursuant</i> to Article 29(3), that task shall exclude the modification of tariffs. In the event of delay in the fixing of natural gas transmission and distribution tariffs and, where appropriate, hydrogen network tariffs, regulatory authorities shall have the power to fix or approve provisional transmission and distribution tariffs or methodologies and hydrogen network tariffs and methodologies and to decide on the appropriate compensatory measures if the final tariffs or methodologies deviate from those provisional tariffs or methodologies.	LNG and distribution system operators, hydrogen storage and terminal operators, and, ~~as from 1 January 2031~~, hydrogen network operators if necessary, to modify the terms and conditions, including tariffs and methodologies referred to in this Article, to ensure that they are proportionate and applied in a non-discriminatory manner. In the event that the access regime to storage is defined according to Article 29(3), that task shall exclude the modification of tariffs. In the event that the access regime to hydrogen storage or hydrogen networks is based on negotiated third-party access in accordance with Article 31(4), Article 32(1) or Article 33(1), that task shall exclude the modification of tariffs. In the event of delay in the fixing of natural gas transmission and distribution tariffs and, where appropriate, hydrogen network tariffs, regulatory authorities shall have the power to fix or approve provisional transmission and distribution tariffs or methodologies and hydrogen network tariffs and methodologies and to decide on the appropriate compensatory measures if the final	LNG and distribution system operators, hydrogen storage and terminal operators, and, ~~as from 1 January 2031~~, hydrogen network operators if necessary, to modify the terms and conditions, including tariffs and methodologies referred to in this Article, to ensure that they are proportionate and applied in a non-discriminatory manner. In the event that the access regime to storage is defined according to Article 29(3), <u>that task shall exclude the modification of tariffs. In the event that the access regime to hydrogen networks, hydrogen facilities or hydrogen storage is based on negotiated third-party access in accordance with Article 31(4), Article 32(1) or Article 33(2)</u>, that task shall exclude the modification of tariffs. In the event of delay in the fixing of natural gas transmission and distribution tariffs and, where appropriate, hydrogen network tariffs, regulatory authorities shall have the power to fix or approve provisional transmission and distribution tariffs or methodologies and hydrogen network tariffs and methodologies and to decide on the appropriate compensatory measures if the final

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			tariffs or methodologies deviate from those provisional tariffs or methodologies.	tariffs or methodologies deviate from those provisional tariffs or methodologies.
Article 73(2)				
954	2. Any party having a complaint against a natural gas transmission, storage, LNG or distribution system operator or a hydrogen network, storage or terminal operator in relation to that operator's obligations under this Directive may refer the complaint to the regulatory authority which, acting as dispute settlement authority, shall issue a decision within a period of two months after receipt of the complaint. That period may be extended by two months where additional information is sought by the regulatory authorities. That extended period may be further extended with the agreement of the complainant. The regulatory authority's decision shall have binding effect unless and until overruled on appeal.	2. Any party having a complaint against a natural gas transmission, storage, LNG or distribution system operator or a hydrogen network, storage or terminal operator in relation to that operator's obligations under this Directive may refer the complaint to the regulatory authority which, acting as dispute settlement authority, shall issue a decision within a period of two months after receipt of the complaint. That period may be extended by two months where additional information is sought by the regulatory authorities. That extended period may be further extended with the agreement of the complainant. The regulatory authority's decision shall have binding effect unless and until overruled on appeal.	2. Any party having a complaint against a natural gas transmission, storage, LNG or distribution system operator or a hydrogen network, storage or terminal operator in relation to that operator's obligations under this Directive may refer the complaint to the regulatory authority which, acting as dispute settlement authority, shall issue a decision within a period of two months after receipt of the complaint. That period may be extended by two months where additional information is sought by the regulatory authorities. That extended period may be further extended with the agreement of the complainant. The regulatory authority's decision shall have binding effect unless and until overruled on appeal.	2. Any party having a complaint against a natural gas transmission, storage, LNG or distribution system operator or a hydrogen network, storage or terminal operator in relation to that operator's obligations under this Directive may refer the complaint to the regulatory authority which, acting as dispute settlement authority, shall issue a decision within a period of two months after receipt of the complaint. That period may be extended by two months where additional information is sought by the regulatory authorities. That extended period may be further extended with the agreement of the complainant. The regulatory authority's decision shall have binding effect unless and until overruled on appeal. Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 73(3)				
955	3. Any party who is affected and who has a right to complain concerning a decision on methodologies taken pursuant to this Article or, where the regulatory authority has a duty to consult, concerning the proposed tariffs or methodologies, may, at the latest within two months, or a shorter time period as provided by Member States, following publication of the decision or proposal for a decision, submit a complaint for review. Such a complaint shall not have suspensive effect.	3. Any party who is affected and who has a right to complain concerning a decision on methodologies taken pursuant to this Article or, where the regulatory authority has a duty to consult, concerning the proposed tariffs or methodologies, may, at the latest within two months, or a shorter time period as provided by Member States, following publication of the decision or proposal for a decision, submit a complaint for review. Such a complaint shall not have suspensive effect.	3. Any party who is affected and who has a right to complain concerning a decision on methodologies taken pursuant to this Article or, where the regulatory authority has a duty to consult, concerning the proposed tariffs or methodologies, may, at the latest within two months, or a shorter time period as provided by Member States, following publication of the decision or proposal for a decision, submit a complaint for review. Such a complaint shall not have suspensive effect.	3. Any party who is affected and who has a right to complain concerning a decision on methodologies taken pursuant to this Article or, where the regulatory authority has a duty to consult, concerning the proposed tariffs or methodologies, may, at the latest within two months, or a shorter time period as provided by Member States, following publication of the decision or proposal for a decision, submit a complaint for review. Such a complaint shall not have suspensive effect. Text Origin: Commission Proposal
Article 73(4)				
956	4. Member States shall create appropriate and efficient mechanisms for regulation, control and transparency so as to avoid any abuse of a dominant position, in particular to the detriment of consumers, and any predatory behaviour. Those mechanisms shall take account of the provisions of	4. Member States shall create appropriate and efficient mechanisms for regulation, control and transparency so as to avoid any abuse of a dominant position, in particular to the detriment of consumers, and any predatory behaviour. Those mechanisms shall take account of the provisions of	4. Member States shall create appropriate and efficient mechanisms for regulation, control and transparency so as to avoid any abuse of a dominant position, in particular to the detriment of consumers, and any predatory behaviour. Those mechanisms shall take account of the provisions of	4. Member States shall create appropriate and efficient mechanisms for regulation, control and transparency so as to avoid any abuse of a dominant position, in particular to the detriment of consumers, and any predatory behaviour. Those mechanisms shall take account of the provisions of

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the TFEU, and in particular Article 102 thereof.	the TFEU, and in particular Article 102 thereof.	the TFEU, and in particular Article 102 thereof.	the TFEU, and in particular Article 102 thereof. Text Origin: Commission Proposal
Article 73(5)				
957	5. Member States shall ensure that the appropriate measures are taken, including administrative action or criminal proceedings in conformity with their national law, against the natural or legal persons responsible where confidentiality rules imposed by this Directive have not been respected.	5. Member States shall ensure that the appropriate measures are taken, including administrative action or criminal proceedings in conformity with their national law, against the natural or legal persons responsible where confidentiality rules imposed by this Directive have not been respected.	5. Member States shall ensure that the appropriate measures are taken, including administrative action or criminal proceedings in conformity with their national law, against the natural or legal persons responsible where confidentiality rules imposed by this Directive have not been respected.	5. Member States shall ensure that the appropriate measures are taken, including administrative action or criminal proceedings in conformity with their national law, against the natural or legal persons responsible where confidentiality rules imposed by this Directive have not been respected. Text Origin: Commission Proposal
Article 73(6)				
958	6. Complaints referred to in paragraphs 2 and 3 shall be without prejudice to the exercise of rights of appeal under Union or national law.	6. Complaints referred to in paragraphs 2 and 3 shall be without prejudice to the exercise of rights of appeal under Union or national law.	6. Complaints referred to in paragraphs 2 and 3 shall be without prejudice to the exercise of rights of appeal under Union or national law.	6. Complaints referred to in paragraphs 2 and 3 shall be without prejudice to the exercise of rights of appeal under Union or national law. Text Origin: Commission Proposal
Article 73(7)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
959	7. Decisions taken by regulatory authorities shall be fully reasoned and justified to allow for judicial review. The decisions shall be available to the public while preserving the confidentiality of commercially sensitive information.	7. Decisions taken by regulatory authorities shall be fully reasoned and justified to allow for judicial review. The decisions shall be available to the public while preserving the confidentiality of commercially sensitive information.	7. Decisions taken by regulatory authorities shall be fully reasoned and justified to allow for judicial review. The decisions shall be available to the public while preserving the confidentiality of commercially sensitive information.	7. Decisions taken by regulatory authorities shall be fully reasoned and justified to allow for judicial review. The decisions shall be available to the public while preserving the confidentiality of commercially sensitive information. Text Origin: Commission Proposal
Article 73(8)				
960	8. Member States shall ensure that suitable mechanisms exist at national level under which a party affected by a decision of a regulatory authority has a right of appeal to a body independent of the parties involved and of any government.	8. Member States shall ensure that suitable mechanisms exist at national level under which a party affected by a decision of a regulatory authority has a right of appeal to a body independent of the parties involved and of any government.	8. Member States shall ensure that suitable mechanisms exist at national level under which a party affected by a decision of a regulatory authority has a right of appeal to a body independent of the parties involved and of any government.	8. Member States shall ensure that suitable mechanisms exist at national level under which a party affected by a decision of a regulatory authority has a right of appeal to a body independent of the parties involved and of any government. Text Origin: Commission Proposal
Article 74				
961	Article 74 Regional cooperation between regulatory authorities on cross-border issues	Article 74 Regional cooperation between regulatory authorities on cross-border issues	Article 74 -Regional cooperation between regulatory authorities on cross-border issues	Article 74 Regional cooperation between regulatory authorities on cross-border issues

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 74(1)				
962	1. Regulatory authorities shall closely consult and cooperate with each other, and in particular within ACER, and shall provide each other and ACER with any information necessary for the fulfilment of their tasks under this Directive. In respect of the information exchanged, the receiving authority shall ensure the same level of confidentiality as that required of the originating authority.	1. Regulatory authorities shall closely consult and cooperate with each other, and in particular within ACER, and shall provide each other and ACER with any information necessary for the fulfilment of their tasks under this Directive. In respect of the information exchanged, the receiving authority shall ensure the same level of confidentiality as that required of the originating authority.	1. Regulatory authorities shall closely consult and cooperate with each other, and in particular within ACER, and shall provide each other and ACER with any information necessary for the fulfilment of their tasks under this Directive. In respect of the information exchanged, the receiving authority shall ensure the same level of confidentiality as that required of the originating authority.	1. Regulatory authorities shall closely consult and cooperate with each other, and in particular within ACER, and shall provide each other and ACER with any information necessary for the fulfilment of their tasks under this Directive. In respect of the information exchanged, the receiving authority shall ensure the same level of confidentiality as that required of the originating authority. Text Origin: Commission Proposal
Article 74(2)				
963	2. Regulatory authorities shall cooperate at least at a regional level to:	2. Regulatory authorities shall cooperate at least at a regional level to:	2. Regulatory authorities shall cooperate at least at a regional level to:	2. Regulatory authorities shall cooperate at least at a regional level to: Text Origin: Commission Proposal
Article 74(2), point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
964	(a) foster the creation of operational arrangements in order to enable an optimal management of the network, promote joint gas and hydrogen exchanges and the allocation of cross-border capacity, and to enable an adequate level of interconnection capacity, including through new interconnections, within the region and between regions to allow for development of effective competition and improvement of security of supply without discriminating between supply undertakings in different Member States;	(a) foster the creation of operational arrangements in order to enable an optimal management of the network, promote joint gas and hydrogen exchanges and the allocation of cross-border capacity, and to enable an adequate level of interconnection capacity, including through new interconnections, within the region and between regions to allow for development of effective competition and improvement of security of supply without discriminating between supply undertakings in different Member States;	(a) foster the creation of operational arrangements in order to enable an optimal management of the network, promote joint gas and hydrogen exchanges and the allocation of cross-border capacity, and to enable an adequate level of interconnection capacity, including through new interconnections, within the region and between regions to allow for development of effective competition and improvement of security of supply without discriminating between supply undertakings in different Member States;	(a) foster the creation of operational arrangements in order to enable an optimal management of the network, promote joint gas and hydrogen exchanges and the allocation of cross-border capacity, and to enable an adequate level of interconnection capacity, including through new interconnections, within the region and between regions to allow for development of effective competition and improvement of security of supply without discriminating between supply undertakings in different Member States; Text Origin: Commission Proposal
Article 74(2), point (b)				
965	(b) coordinate the development of all network codes for the relevant transmission system operators, hydrogen network operators and other market actors;	(b) coordinate the development of all network codes for the relevant transmission system operators, hydrogen network operators and other market actors;	(b) coordinate the development of all network codes for the relevant transmission system operators, hydrogen network operators and other market actors;	(b) coordinate the development of all network codes for the relevant transmission system operators, hydrogen network operators and other market actors; Text Origin: Commission Proposal
Article 74(2), point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
966	(c) coordinate the development of the rules governing the management of congestion;	(c) coordinate the development of the rules governing the management of congestion;	(c) coordinate the development of the rules governing the management of congestion;	(c) coordinate the development of the rules governing the management of congestion; Text Origin: Commission Proposal
Article 74(2), point (d)				
967	(d) to ensure regulatory compliance of legal entities fulfilling transmission operators' and network operators' tasks at cross-border or regional level.	(d) to ensure regulatory compliance of legal entities fulfilling transmission operators' and network operators' tasks at cross-border or regional level.	(d) to ensure regulatory compliance of legal entities fulfilling transmission operators' and network operators' tasks at cross-border or regional level.	(d) to ensure regulatory compliance of legal entities fulfilling transmission operators' and network operators' tasks at cross-border or regional level. Text Origin: Commission Proposal
Article 74(3)				
968	3. Regulatory authorities shall have the right to enter into cooperative arrangements with each other to foster regulatory cooperation.	3. Regulatory authorities shall have the right to enter into cooperative arrangements with each other to foster regulatory cooperation.	3. Regulatory authorities shall have the right to enter into cooperative arrangements with each other to foster regulatory cooperation.	3. Regulatory authorities shall have the right to enter into cooperative arrangements with each other to foster regulatory cooperation. Text Origin: Commission Proposal
Article 74(4)				
969				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	4. The actions referred to in paragraph 2 shall be carried out, as appropriate, in close consultation with other relevant national authorities and without prejudice to their specific competencies.	4. The actions referred to in paragraph 2 shall be carried out, as appropriate, in close consultation with other relevant national authorities and without prejudice to their specific competencies.	4. The actions referred to in paragraph 2 shall be carried out, as appropriate, in close consultation with other relevant national authorities and without prejudice to their specific competencies.	4. The actions referred to in paragraph 2 shall be carried out, as appropriate, in close consultation with other relevant national authorities and without prejudice to their specific competencies. Text Origin: Commission Proposal
Article 74(5)				
970	5. The Commission is empowered to adopt delegated acts in accordance with Article 83 in order to supplement this Directive by establishing guidelines on the extent of the duties of the regulatory authorities to cooperate with each other and with ACER.	5. The Commission is empowered to adopt delegated acts in accordance with Article 83 in order to supplement this Directive by establishing guidelines on the extent of the duties of the regulatory authorities to cooperate with each other and with ACER.	5. The Commission is empowered to adopt delegated acts in accordance with Article 83 in order to supplement this Directive by establishing guidelines on the extent of the duties of the regulatory authorities to cooperate with each other and with ACER.	5. The Commission is empowered to adopt delegated acts in accordance with Article 83 in order to supplement this Directive by establishing guidelines on the extent of the duties of the regulatory authorities to cooperate with each other and with ACER. Text Origin: Commission Proposal
Article 74(6)				
971	6. Regulatory authorities, or where appropriate other competent authorities, may consult and cooperate with the relevant authorities of third countries, including Energy Community Contracting Parties, in relation to	6. Regulatory authorities, or where appropriate other competent authorities, may consult and cooperate with the relevant authorities of third countries, including Energy Community Contracting Parties, in relation to	6. Regulatory authorities, or where appropriate other competent authorities, may consult and cooperate with the relevant authorities of third countries, including Energy Community Contracting Parties, in relation to	6. Regulatory authorities, or where appropriate other competent authorities, may consult and cooperate with the relevant authorities of third countries, including Energy Community Contracting Parties, in relation to

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the operation of gas and hydrogen infrastructure to and from third countries with a view to ensuring, as regards the infrastructure concerned, that this Directive is applied consistently in the territory and territorial sea of a Member State.	the operation of gas and hydrogen infrastructure to and from third countries with a view to ensuring, as regards the infrastructure concerned, that this Directive is applied consistently in the territory and territorial sea of a Member State.	the operation of gas and hydrogen infrastructure to and from third countries with a view to ensuring, as regards the infrastructure concerned, that this Directive is applied consistently in the territory and territorial sea of a Member State.	the operation of gas and hydrogen infrastructure to and from third countries with a view to ensuring, as regards the infrastructure concerned, that this Directive is applied consistently in the territory and territorial sea of a Member State. Text Origin: Commission Proposal
Article 75				
972	Article 75 Compliance with the network codes and guidelines	Article 75 Compliance with the network codes and guidelines	Article 75 Compliance with the network codes and guidelines	Article 75 Compliance with the network codes and guidelines Text Origin: Commission Proposal
Article 75(1)				
973	1. Any regulatory authority and the Commission may request the opinion of ACER on the compliance of a decision taken by a regulatory authority with the network codes and the guidelines referred to in this Directive or in [recast Gas Regulation as proposed in COM(2021) xxx].	1. Any regulatory authority and the Commission may request the opinion of ACER on the compliance of a decision taken by a regulatory authority with the network codes and the guidelines referred to in this Directive or in [recast Gas Regulation as proposed in COM(2021) xxx].	1. Any regulatory authority and the Commission may request the opinion of ACER on the compliance of a decision taken by a regulatory authority with the network codes and the guidelines referred to in this Directive or in [recast Gas Regulation as proposed in COM(2021)- ~~xxx~~ 804].	1. Any regulatory authority and the Commission may request the opinion of ACER on the compliance of a decision taken by a regulatory authority with the network codes and the guidelines referred to in this Directive or in [recast Gas Regulation as proposed in COM(2021)- ~~xxx~~ 804].

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Council Mandate
Article 75(2)				
974	2. ACER shall provide its opinion to the regulatory authority which has requested it or to the Commission, respectively, and to the regulatory authority which has taken the decision in question within three months from the date of receipt of the request.	2. ACER shall provide its opinion to the regulatory authority which has requested it or to the Commission, respectively, and to the regulatory authority which has taken the decision in question within three months from the date of receipt of the request.	2. ACER shall provide its opinion to the regulatory authority which has requested it or to the Commission, respectively, and to the regulatory authority which has taken the decision in question within three months from the date of receipt of the request.	2. ACER shall provide its opinion to the regulatory authority which has requested it or to the Commission, respectively, and to the regulatory authority which has taken the decision in question within three months from the date of receipt of the request. Text Origin: Commission Proposal
Article 75(3)				
975	3. Where the regulatory authority which has taken the decision does not comply with ACER's opinion within four months from the date of receipt of that opinion, ACER shall inform the Commission accordingly.	3. Where the regulatory authority which has taken the decision does not comply with ACER's opinion within four months from the date of receipt of that opinion, ACER shall inform the Commission accordingly.	3. Where the regulatory authority which has taken the decision does not comply with ACER's opinion within four months from the date of receipt of that opinion, ACER shall inform the Commission accordingly.	3. Where the regulatory authority which has taken the decision does not comply with ACER's opinion within four months from the date of receipt of that opinion, ACER shall inform the Commission accordingly. Text Origin: Commission Proposal
Article 75(4)				
976	4. Any regulatory authority may	4. Any regulatory authority may	4. Any regulatory authority may	4. Any regulatory authority may

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	inform the Commission where it considers that a decision relevant for cross border-trade taken by another regulatory authority does not comply with the network codes and guidelines referred to in this Directive or in [recast Gas Regulation as proposed in COM(2021) xxx] within two months from the date of that decision.	inform the Commission where it considers that a decision relevant for cross border-trade taken by another regulatory authority does not comply with the network codes and guidelines referred to in this Directive or in [recast Gas Regulation as proposed in COM(2021) xxx] within two months from the date of that decision.	inform the Commission where it considers that a decision relevant for cross border-trade taken by another regulatory authority does not comply with the network codes and guidelines referred to in this Directive or in [recast Gas Regulation as proposed in COM(2021)- ~~xxx~~ 804] within two months from the date of that decision.	inform the Commission where it considers that a decision relevant for cross border-trade taken by another regulatory authority does not comply with the network codes and guidelines referred to in this Directive or in [recast Gas Regulation as proposed in COM(2021)- ~~xxx~~ 804] within two months from the date of that decision. Text Origin: Council Mandate
Article 75(5)				
977	5. Where the Commission, within two months of having been informed by ACER in accordance with paragraph 3, or by a regulatory authority in accordance with paragraph 4, or on its own initiative within three months from the date of the decision, finds that the decision of a regulatory authority raises serious doubts as to its compatibility with the network codes and the guidelines referred to in this Directive or in [recast Gas Regulation as proposed in COM(2021) xxx], the Commission may decide to examine the case further. In such a case, it shall	5. Where the Commission, within two months of having been informed by ACER in accordance with paragraph 3, or by a regulatory authority in accordance with paragraph 4, or on its own initiative within three months from the date of the decision, finds that the decision of a regulatory authority raises serious doubts as to its compatibility with the network codes and the guidelines referred to in this Directive or in [recast Gas Regulation as proposed in COM(2021) xxx], the Commission may decide to examine the case further. In such a case, it shall	5. Where the Commission, within two months of having been informed by ACER in accordance with paragraph 3, or by a regulatory authority in accordance with paragraph 4, or on its own initiative within three months from the date of the decision, finds that the decision of a regulatory authority raises serious doubts as to its compatibility with the network codes and the guidelines referred to in this Directive or in [recast Gas Regulation as proposed in COM(2021)- ~~xxx~~ 804], the Commission may decide to examine the case further. In such a	5. Where the Commission, within two months of having been informed by ACER in accordance with paragraph 3, or by a regulatory authority in accordance with paragraph 4, or on its own initiative within three months from the date of the decision, finds that the decision of a regulatory authority raises serious doubts as to its compatibility with the network codes and the guidelines referred to in this Directive or in [recast Gas Regulation as proposed in COM(2021)- ~~xxx~~ 804], the Commission may decide to examine the case further. In such a

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	invite the regulatory authority and the parties to the proceedings before the regulatory authority to submit observations.	invite the regulatory authority and the parties to the proceedings before the regulatory authority to submit observations.	case, it shall invite the regulatory authority and the parties to the proceedings before the regulatory authority to submit observations.	case, it shall invite the regulatory authority and the parties to the proceedings before the regulatory authority to submit observations. Text Origin: Council Mandate
Article 75(6)				
978	6. Where the Commission takes a decision to examine the case further, it shall, within four months of the date of such decision, issue a final decision:	6. Where the Commission takes a decision to examine the case further, it shall, within four months of the date of such decision, issue a final decision:	6. Where the Commission takes a decision to examine the case further, it shall, within four months of the date of such decision, issue a final decision:	6. Where the Commission takes a decision to examine the case further, it shall, within four months of the date of such decision, issue a final decision: Text Origin: Commission Proposal
Article 75(6), point (a)				
979	(a) not to raise objections against the decision of the regulatory authority; or	(a) not to raise objections against the decision of the regulatory authority; or	(a) not to raise objections against the decision of the regulatory authority; or	(a) not to raise objections against the decision of the regulatory authority; or Text Origin: Commission Proposal
Article 75(6), point (b)				
980	(b) to require the regulatory authority concerned to withdraw its decision on the basis that the	(b) to require the regulatory authority concerned to withdraw its decision on the basis that the	(b) to require the regulatory authority concerned to withdraw its decision on the basis that the	(b) to require the regulatory authority concerned to withdraw its decision on the basis that the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	network codes and the guidelines have not been complied with.	network codes and the guidelines have not been complied with.	network codes and the guidelines have not been complied with.	network codes and the guidelines have not been complied with. Text Origin: Commission Proposal
Article 75(7)				
981	7. Where the Commission has not taken a decision to examine the case further or a final decision within the time-limits set in paragraphs 5 and 6 respectively, it shall be deemed not to have raised objections to the decision of the regulatory authority.	7. Where the Commission has not taken a decision to examine the case further or a final decision within the time-limits set in paragraphs 5 and 6 respectively, it shall be deemed not to have raised objections to the decision of the regulatory authority.	7. Where the Commission has not taken a decision to examine the case further or a final decision within the time-limits set in paragraphs 5 and 6 respectively, it shall be deemed not to have raised objections to the decision of the regulatory authority.	7. Where the Commission has not taken a decision to examine the case further or a final decision within the time-limits set in paragraphs 5 and 6 respectively, it shall be deemed not to have raised objections to the decision of the regulatory authority. Text Origin: Commission Proposal
Article 75(8)				
982	8. The regulatory authority shall comply with the Commission decision to withdraw its decision within a period of two months and shall inform the Commission accordingly.	8. The regulatory authority shall comply with the Commission decision to withdraw its decision within a period of two months and shall inform the Commission accordingly.	8. The regulatory authority shall comply with the Commission decision to withdraw its decision within a period of two months and shall inform the Commission accordingly.	8. The regulatory authority shall comply with the Commission decision to withdraw its decision within a period of two months and shall inform the Commission accordingly. Text Origin: Commission Proposal
Article 75(9)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
983	9. The Commission is empowered to adopt delegated acts in accordance with Article 83 supplementing this Directive by establishing guidelines setting out the details of the procedure to be followed for the application of this Article.	9. The Commission is empowered to adopt delegated acts in accordance with Article 83 supplementing this Directive by establishing guidelines setting out the details of the procedure to be followed for the application of this Article.	9. The Commission is empowered to adopt delegated acts in accordance with Article 83 ~~supplementing~~ to supplement this Directive by establishing guidelines setting out the details of the procedure to be followed for the application of this Article.	9. The Commission is empowered to adopt delegated acts in accordance with Article 83 ~~supplementing~~ to supplement this Directive by establishing guidelines setting out the details of the procedure to be followed for the application of this Article. Text Origin: Council Mandate
Article 76				
984	Article 76 Record keeping	Article 76 Record keeping	Article 76 Record keeping	Article 76 Record keeping Text Origin: Commission Proposal
Article 76(1)				
985	1. Member States shall require supply undertakings to keep at the disposal of the national authorities, including the regulatory authority, the national competition authorities and the Commission, for the fulfilment of their tasks, for at least five years, the relevant data relating to all transactions in natural gas and hydrogen supply contracts and natural gas and	1. Member States shall require supply undertakings to keep at the disposal of the national authorities, including the regulatory authority, the national competition authorities and the Commission, for the fulfilment of their tasks, for at least five years, the relevant data relating to all transactions in natural gas and hydrogen supply contracts and natural gas and	1. Member States shall require supply undertakings to keep at the disposal of the national authorities, including the regulatory authority, the national competition authorities and the Commission, for the fulfilment of their tasks, for at least five years, the relevant data relating to all transactions in natural gas and hydrogen supply contracts and natural gas and	1. Member States shall require supply undertakings to keep at the disposal of the national authorities, including the regulatory authority, the national competition authorities and the Commission, for the fulfilment of their tasks, for at least five years, the relevant data relating to all transactions in natural gas and hydrogen supply contracts and natural gas and

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	hydrogen derivatives with wholesale customers and transmission system operators, as storage and LNG operators as well as hydrogen network, storage and terminal operators.	hydrogen derivatives with wholesale customers and transmission system operators, as storage and LNG operators as well as hydrogen network, storage and terminal operators.	hydrogen derivatives with wholesale customers and transmission system operators, as storage and LNG operators as well as hydrogen network, storage and terminal operators.	hydrogen derivatives with wholesale customers and transmission system operators, as storage and LNG operators as well as hydrogen network, storage and terminal operators. Text Origin: Commission Proposal
Article 76(2)				
986	2. The data shall include details on the characteristics of the relevant transactions such as duration, delivery and settlement rules, the quantity, the dates and times of execution and the transaction prices and means of identifying the wholesale customer concerned, as well as specified details of all unsettled natural gas and hydrogen supply contracts and natural gas and hydrogen derivatives.	2. The data shall include details on the characteristics of the relevant transactions such as duration, delivery and settlement rules, the quantity, the dates and times of execution and the transaction prices and means of identifying the wholesale customer concerned, as well as specified details of all unsettled natural gas and hydrogen supply contracts and natural gas and hydrogen derivatives.	2. The data shall include details on the characteristics of the relevant transactions such as duration, delivery and settlement rules, the quantity, the dates and times of execution and the transaction prices and means of identifying the wholesale customer concerned, as well as specified details of all unsettled natural gas and hydrogen supply contracts and natural gas and hydrogen derivatives.	2. The data shall include details on the characteristics of the relevant transactions such as duration, delivery and settlement rules, the quantity, the dates and times of execution and the transaction prices and means of identifying the wholesale customer concerned, as well as specified details of all unsettled natural gas and hydrogen supply contracts and natural gas and hydrogen derivatives. Text Origin: Commission Proposal
Article 76(3)				
987	3. The regulatory authority may decide to make available to market participants elements of this	3. The regulatory authority may decide to make available to market participants elements of this	3. The regulatory authority may decide to make available to market participants elements of this	3. The regulatory authority may decide to make available to market participants elements of this

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	information provided that commercially sensitive information on individual market players or individual transactions is not released. This paragraph shall not apply to information about financial instruments which fall within the scope of Directive 2014/65/EU.	information provided that commercially sensitive information on individual market players or individual transactions is not released. This paragraph shall not apply to information about financial instruments which fall within the scope of Directive 2014/65/EU.	information provided that commercially sensitive information on individual market players or individual transactions is not released. This paragraph shall not apply to information about financial instruments which fall within the scope of Directive 2014/65/EU.	information provided that commercially sensitive information on individual market players or individual transactions is not released. This paragraph shall not apply to information about financial instruments which fall within the scope of Directive 2014/65/EU. Text Origin: Commission Proposal
Article 76(4)				
988	4. The Commission is empowered to adopt delegated acts supplementing this Directive in accordance with Article 83, by establishing guidelines which define the methods and arrangements for record keeping as well as the form and content of the data that shall be kept.	4. The Commission is empowered to adopt delegated acts supplementing this Directive in accordance with Article 83, by establishing guidelines which define the methods and arrangements for record keeping as well as the form and content of the data that shall be kept.	4. The Commission is empowered to adopt delegated acts supplementingto supplement this Directive in accordance with Article 83, by establishing guidelines which define the methods and arrangements for record keeping as well as the form and content of the data that shall be kept.	4. The Commission is empowered to adopt delegated acts supplementingto supplement this Directive in accordance with Article 83, by establishing guidelines which define the methods and arrangements for record keeping as well as the form and content of the data that shall be kept. Text Origin: Council Mandate
Article 76(5)				
989	5. With respect to transactions in natural gas and hydrogen derivatives of supply undertakings	5. With respect to transactions in natural gas and hydrogen derivatives of supply undertakings	5. With respect to transactions in natural gas and hydrogen derivatives of supply undertakings	5. With respect to transactions in natural gas and hydrogen derivatives of supply undertakings

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	with wholesale customers and natural gas transmission system operators, storage and LNG operators as well as hydrogen network, storage and terminal operators, this Article shall apply only once the Commission has adopted the guidelines referred to in paragraph 4.	with wholesale customers and natural gas transmission system operators, storage and LNG operators as well as hydrogen network, storage and terminal operators, this Article shall apply only once the Commission has adopted the guidelines referred to in paragraph 4.	with wholesale customers and natural gas transmission system operators , storage and LNG operators as well as hydrogen network, storage and terminal operators, this Article shall apply only once the Commission has adopted the guidelines referred to in paragraph 4.	with wholesale customers and natural gas transmission system operators, storage and LNG operators as well as hydrogen network, storage and terminal operators, this Article shall apply only once the Commission has adopted the guidelines referred to in paragraph 4. Text Origin: Commission Proposal
Article 76(6)				
990	6. The provisions of this Article shall not create additional obligations towards the authorities referred to in paragraph 1 for entities falling within the scope of Directive 2014/65/EU.	6. The provisions of this Article shall not create additional obligations towards the authorities referred to in paragraph 1 for entities falling within the scope of Directive 2014/65/EU.	6. The provisions of this Article shall not create additional obligations towards the authorities referred to in paragraph 1 for entities falling within the scope of Directive 2014/65/EU .	6. The provisions of this Article shall not create additional obligations towards the authorities referred to in paragraph 1 for entities falling within the scope of Directive 2014/65/EU. Text Origin: Commission Proposal
Article 76(7)				
991	7. In the event that the authorities referred to in paragraph 1 need access to data kept by entities falling within the scope of Directive 2014/65/EU, the authorities responsible under that	7. In the event that the authorities referred to in paragraph 1 need access to data kept by entities falling within the scope of Directive 2014/65/EU, the authorities responsible under that	7. In the event that the authorities referred to in paragraph 1 need access to data kept by entities falling within the scope of Directive 2014/65/EU, the authorities responsible under that	7. In the event that the authorities referred to in paragraph 1 need access to data kept by entities falling within the scope of Directive 2014/65/EU, the authorities responsible under that

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Directive shall provide them with the required data.	Directive shall provide them with the required data.	Directive shall provide them with the required data.	Directive shall provide them with the required data. Text Origin: Commission Proposal
Chapter XI				
992	Chapter XI Final provisions	Chapter XI Final provisions	Chapter XI -Final provisions	Chapter XI Final provisions Text Origin: Commission Proposal
Article 77				
993	Article 77 Safeguard measures	Article 77 Safeguard measures	Article 77 Safeguard measures	Article 77 Safeguard measures Text Origin: Commission Proposal
Article 77(1)				
994	1. In the event of a sudden crisis in the energy market or where the physical safety or security of persons, apparatus or installations or system integrity is threatened, a Member State may declare an emergency state pursuant to Article 11 of Regulation (EU 2017/1938	1. In the event of a sudden crisis in the energy market or where the physical safety or security of persons, apparatus or installations or system integrity is threatened, a Member State may declare an emergency state pursuant to Article 11 of Regulation (EU 2017/1938	1. In the event of a sudden crisis in the energy market or where the physical safety or security of persons, apparatus or installations or system integrity is threatened, a Member State may take the measures foreseen in the national emergency plan and declare, if	1. In the event of a sudden crisis in the energy market or where the physical safety or security of persons, apparatus or installations or system integrity is threatened, a Member State may <u>take the measures foreseen in the national emergency plan and</u> declare, <u>if</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	and take the measures foreseen in the national emergency plan.	and take the measures foreseen in the national emergency plan.	applicable , an emergency state pursuant to Article 11 of Regulation (EU ~~2017/1938~~ and take the measures foreseen in the national emergency plan ~~2017/1938~~).	<u>applicable</u> , an emergency state pursuant to Article 11 of Regulation (EU ~~2017/1938~~ and ~~take the measures foreseen in the national emergency plan~~ <u>2017/1938</u>). Text Origin: Council Mandate
Article 78				
995	Article 78 Level playing field	Article 78 Level playing field	Article 78 Level playing field	Article 78 Level playing field Text Origin: Commission Proposal
Article 78(1)				
996	1. Measures that the Member States may take pursuant to this Directive in order to ensure a level playing field shall be compatible with the TFEU, notably Article 36 thereof, and with the legislation of the Union.	1. Measures that the Member States may take pursuant to this Directive in order to ensure a level playing field shall be compatible with the TFEU, notably Article 36 thereof, and with Union law .	1. Measures that the Member States may take pursuant to this Directive in order to ensure a level playing field shall be compatible with the TFEU , notably Article 36 thereof, and with the legislation of the Union.	1. Measures that the Member States may take pursuant to this Directive in order to ensure a level playing field shall be compatible with the ~~-~~ TFEU, notably Article <u>36</u> ~~36~~ thereof, and with ~~the legislation of the Union~~ <u>Union law</u> . Text Origin: EP Mandate
Article 78(2)				
997	2. The measures referred to in	2. The measures referred to in	2. The measures referred to in	2. The measures referred to in

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	paragraph 1 shall be proportionate, non-discriminatory and transparent. Those measures may be put into effect only following the notification to and approval by the Commission.	paragraph 1 shall be proportionate, non-discriminatory and transparent. Those measures may be put into effect only following the notification to and approval by the Commission.	paragraph 1 shall be proportionate, non-discriminatory and transparent. Those measures may be put into effect only following the notification to and approval by the Commission.	paragraph 1 shall be proportionate, non-discriminatory and transparent. Those measures may be put into effect only following the notification to and approval by the Commission. Text Origin: Commission Proposal
Article 78(3)				
998	3. The Commission shall act on the notification referred to in paragraph 2 within two months of the receipt of the notification. That period shall begin on the day following receipt of the complete information. In the event that the Commission has not acted within that two-month period, it shall be deemed not to have raised objections to the notified measures.	3. The Commission shall act on the notification referred to in paragraph 2 within two months of the receipt of the notification. That period shall begin on the day following receipt of the complete information. In the event that the Commission has not acted within that two-month period, it shall be deemed not to have raised objections to the notified measures.	3. The Commission shall act on the notification referred to in paragraph 2 within two months of the receipt of the notification. That period shall begin on the day following receipt of the complete information. In the event that the Commission has not acted within that two-month period, it shall be deemed not to have raised objections to the notified measures.	3. The Commission shall act on the notification referred to in paragraph 2 within two months of the receipt of the notification. That period shall begin on the day following receipt of the complete information. In the event that the Commission has not acted within that two-month period, it shall be deemed not to have raised objections to the notified measures. Text Origin: Commission Proposal
Article 79				
999	Article 79 Technical agreements regarding the operation of natural gas and hydrogen pipeline lines with third	Article 79 Technical agreements regarding the operation of natural gas and hydrogen pipeline lines with third	Article 79 Technical agreements regarding the operation of natural gas and hydrogen pipeline lines with third	Article 79 Technical agreements regarding the operation of natural gas and hydrogen pipeline lines with third

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	countries	countries	countries	countries Text Origin: Commission Proposal
Article 79, first paragraph				
1000	This Directive does not affect the freedom of transmission system operators, hydrogen network operators or other economic operators to maintain in force or to conclude technical agreements on issues concerning the operation of pipelines between a Member State and a third country, insofar as those agreements are compatible with Union law and relevant decisions of the regulatory authorities of the Member States concerned. Such agreements shall be notified to the regulatory authorities of the Member States concerned.	This Directive does not affect the freedom of transmission system operators, hydrogen network operators or other economic operators to maintain in force or to conclude technical agreements on issues concerning the operation of pipelines between a Member State and a third country, insofar as those agreements are compatible with Union law and relevant decisions of the regulatory authorities of the Member States concerned. Such agreements shall be notified to the regulatory authorities of the Member States concerned.	This Directive ~~does~~ shall not affect the freedom of transmission system operators, hydrogen network operators or other economic operators to maintain in force or to conclude technical agreements on issues concerning the operation of pipelines between a Member State and a third country, insofar as those agreements are compatible with Union law and relevant decisions of the regulatory authorities of the Member States concerned. Such agreements shall be notified to the regulatory authorities of the Member States concerned.	This Directive ~~does~~ shall not affect the freedom of transmission system operators, hydrogen network operators or other economic operators to maintain in force or to conclude technical agreements on issues concerning the operation of pipelines between a Member State and a third country, insofar as those agreements are compatible with Union law and relevant decisions of the regulatory authorities of the Member States concerned. Such agreements shall be notified to the regulatory authorities of the Member States concerned. Text Origin: Council Mandate
Article 80				
1001	Article 80 Derogations for natural gas system	Article 80 Derogations for natural gas system	Article 80 Derogations for natural gas system	Article 80 Derogations for natural gas system Text Origin: Commission

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Proposal
Article 80(1)				
1002	1. Member States which are not directly connected to the interconnected system of any other Member State may apply to the Commission for derogations from Articles 3, 7, 54 and/or 27. Any such derogation shall expire from the moment when the first interconnector to the Member State is completed.	1. Member States which are not directly connected to the interconnected system of any other Member State may apply to the Commission for derogations from Articles 3, 7, 54 and/or 27. Any such derogation shall expire from the moment when the first interconnector to the Member State is completed.	1. Member States which are not directly connected to the interconnected system of any other Member State may apply to the Commission for derogations derogate from Articles 3, 7, 30, 54 or 27 (1) 54 and/or 27. Any such derogation shall expire from the moment when the first interconnector to the Member State is completed. Any such derogation shall be notified to the Commission.	1. Member States which are not directly connected to the interconnected system of any other Member State may ~~apply to the Commission for derogations~~ derogate from Articles 3, 7, 30, 54 or 27 (1) ~~54 and/or 27~~ . Any such derogation shall expire from the moment when the first interconnector to the Member State is completed. <u>Any such derogation shall be notified to the Commission.</u> 9.11.2023 Provisionally agreed
Article 80(2)				
1003	2. Member States may apply to the Commission for derogations from applying Articles 3, 7, 54 and/or 27 to outermost regions within the meaning of Article 349 TFEU or to other geographically isolated areas. Any such derogation shall expire from the moment a connection from the region or area to a Member State with an	2. Member States may apply to the Commission for derogations from applying Articles 3, 7, 54 and/or 27 to outermost regions within the meaning of Article 349 TFEU or to other geographically isolated areas. Any such derogation shall expire from the moment a connection from the region or area to a Member State with an	2. Member States may apply to the Commission for derogations from applying Articles 3, 7, 54 ~~and/or~~ 27 to outermost regions within the meaning of Article 349 TFEU or to other geographically isolated areas. Any such derogation shall expire from the moment a connection from the region or area to a Member State with an	2. Member States may apply to the Commission for derogations from applying Articles 3, 7, 54 ~~and/or~~ 27 to outermost regions within the meaning of Article 349 TFEU or to other geographically isolated areas. Any such derogation shall expire from the moment a connection from the region or area to a Member State with an

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	interconnected system is completed.	interconnected system is completed.	interconnected system is completed.	interconnected system is completed. 9.11.2023 Provisionally agreed Text Origin: Council Mandate
Article 80(2a)				
1003a			2a. Luxembourg may derogate from Article 54. Any such derogation shall be notified to the Commission.	<u>2a. Luxembourg may derogate from Article 54. Any such derogation shall be notified to the Commission.</u> 9.11.2023 Provisionally agreed Text Origin: Council Mandate
Article 80(3)				
1004	3. The Commission shall inform the Member States of applications for derogations referred to in paragraphs 1 and 2 before taking a decision, taking into account justified requests for confidentiality of commercially sensitive information.	3. The Commission shall inform the Member States of applications for derogations referred to in paragraphs 1 and 2 before taking a decision, taking into account justified requests for confidentiality of commercially sensitive information.	3. The Commission shall inform the Member States of applications for derogations referred to in paragraphs 1 and 2 paragraph 2 before taking a decision, taking into account justified requests for confidentiality of commercially sensitive information.	3. The Commission shall inform the Member States of applications for derogations referred to in ~~paragraphs 1 and 2~~ paragraph 2 before taking a decision, taking into account justified requests for confidentiality of commercially sensitive information. 9.11.2023 Provisionally agreed Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 80(4)				
1005	4. Derogations granted by the Commission shall be limited in time and subject to conditions that aim to increase competition in and the integration of the internal market and to ensure that the derogations do not hamper the transition towards renewable energy or the application of the energy efficiency first principle within the meaning of Article 2, point (18) of Regulation (EU) 2018/1999.	4. Derogations granted by the Commission shall be limited in time and subject to conditions that aim to increase competition in and the integration of the internal market and to ensure that the derogations do not hamper the transition towards renewable energy or the application of the energy efficiency first principle within the meaning of Article 2, point (18) of Regulation (EU) 2018/1999.	4. Derogations granted by the Commission pursuant paragraph 2 shall be limited in time and subject to conditions that aim to increase competition in and the integration of the internal market and to ensure that the derogations do not hamper the transition towards renewable energy or the application of the energy efficiency first principle within the meaning of Article 2, point (18) of Regulation (EU) 2018/1999.	4. Derogations granted by the Commission <u>pursuant paragraph 2</u> shall be limited in time and subject to conditions that aim to increase competition in and the integration of the internal market and to ensure that the derogations do not hamper the transition towards renewable energy or the application of the energy efficiency first principle within the meaning of Article 2, point (18) of Regulation (EU) 2018/1999. 9.11.2023 Provisionally agreed Text Origin: Council Mandate
Article 80(5)				
1006	5. Derogations pursuant to Directive 2009/73/EC without an expiry date shall expire on 31 December 2025. Member States that at the time of entry into force of this Directive are still benefitting from these derogations may apply to the Commission for a new derogation in accordance with the conditions established in this Article.	5. Derogations pursuant to Directive 2009/73/EC without an expiry date shall expire on 31 December 2025. Member States that at the time of entry into force of this Directive are still benefitting from these derogations may apply to the Commission for a new derogation in accordance with the conditions established in this Article.	5. Derogations pursuant to Directive 2009/73/EC without an expiry date or without defined period of application shall expire on 31 December 2025. Member States that at the time of entry into force of this Directive are still benefitting from these derogations may decide for a new derogation pursuant paragraphs 1 or 5a, or they may apply to the Commission	5. Derogations pursuant to Directive 2009/73/EC without an expiry date <u>or without defined period of application</u> shall expire on 31 December 2025. Member States that at the time of entry into force of this Directive are still benefitting from these derogations may <u>decide for a new derogation pursuant paragraphs 1 or 5a, or they may</u> apply to the Commission

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			for a new derogation in accordance with the conditions established in ~~this Article~~ paragraph 2 .	for a new derogation in accordance with the conditions established in ~~this Article~~ paragraph 2 . 9.11.2023 Provisionally agreed Text Origin: Council Mandate
Article 80(5a)				
1006a			5a. Member States that receive the first commercial supply of their first long-term natural gas supply contract after the entry into force of this Directive may derogate from Articles 3(1) to (4), 4(1), 7, 27(1), 30, 35(1) to (5), 39, 40(6), 42, 54, 55 and 69. Any such derogation shall be notified to the Commission.	<u>5a. Member States that receive the first commercial supply of their first long-term natural gas supply contract after the entry into force of this Directive may derogate from Articles 3(1) to (4), 4(1), 7, 27(1), 28(1), 30, 35(1) to (5), 39, 40(6), 42, 54, 55 and 69. Any such derogation shall be notified to the Commission. The derogation shall expire 10 years after the reception of the first commercial supply of their first long-term natural gas supply contract.</u> 9.11.2023 - New text by Council confirmed by EP
Article 80(6)				
1007	6. Decisions to grant derogations	6. Decisions to grant derogations	6. Notifications of derogations as	6. <u>Notifications of derogations as</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	shall be published in the Official Journal of the European Union.	shall be published in the Official Journal of the European Union.	well as decisions to grant derogations referred to in paragraphs 1, 2, 2a and 5a shall be published in the Official Journal of the European Union.	<u>well as</u> decisions to grant derogations <u>referred to in paragraphs 1, 2, 2a and 5a</u> shall be published in the Official Journal of the European Union. 9.11.2023 Provisionally agreed Text Origin: Council Mandate
Article 80a				
1007a			Article 80a Derogations for hydrogen	<u>Article 80a</u> <u>Derogations for hydrogen</u> Provisionally agreed, but depending on final outcome on Article 63 Text Origin: Council Mandate
Article 80a(1)				
1007b			1. Until 31 December 2030, Estonia, Latvia and Lithuania may derogate from Article 63. Any such derogation shall be notified to the Commission.	<u>1. Until 31 December 2030, Estonia, Latvia and Lithuania may derogate from Article 63. Any such derogation shall be notified to the Commission.</u> Provisionally agreed, but depending on final outcome on Article 63 Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 80b			
1007c			Article 80b Hydrogen networks in isolated regions	<u>Article 80b</u> <u>Hydrogen networks in isolated regions</u> Provisionally agreed Text Origin: Council Mandate
	Article 80b(1)			
1007d			1. Member States may grant derogations from the requirements of one or more of Articles 42, 62 and 65 to hydrogen networks located in the isolated regions with the following NUTS 2 and NUTS 3 codes:	<u>1. Member States may grant derogations from the requirements of one or more of Articles 42, 62 and 65 to hydrogen networks located in the isolated regions with the following NUTS 2 and NUTS 3 codes:</u> Provisionally agreed, Text Origin: Council Mandate
	Article 80b(1), point (i)			
1007e			(i) Cyprus (NUT2 CY00)	<u>(i) Cyprus (NUT2 CY00)</u> Provisionally agreed
	Article 80b(1), point (ii)			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1007f			(ii) Kainuu (NUTS 3 FI1D8)	<u>(ii) Kainuu (NUTS 3 FI1D8)</u> Provisionally agreed
Article 80b(1), point (iii)				
1007g			(iii) Lapland (NUTS 3 FI1D7)	<u>(iii) Lapland (NUTS 3 FI1D7)</u> Provisionally agreed,
Article 80b(1), point (iv)				
1007h			(iv) Malta (NUT2 MT00)	<u>(iv) Malta (NUT2 MT00)</u> Provisionally agreed
Article 80b(1), point (v)				
1007i			(v) Northern Ostrobothnia (NUTS 3 FI1D9)	<u>(v) Northern Ostrobothnia (NUTS 3 FI1D9)</u> Provisionally agreed
Article 80b(1), point (f)				
1007j			(vi) Upper Norrland (NUTS 2 SE33)	<u>(vi) Upper Norrland (NUTS 2 SE33)</u> Provisionally agreed

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 80b(2)			
1007k			2. The derogation shall be published and notified to the European Commission.	<u>2. The derogation shall be published and notified to the European Commission.</u> Provisionally agreed
	Article 80b(3)			
1007l			3. Derogations pursuant paragraph 1 shall expire 15 years after they are granted at the latest. Where a hydrogen network benefitting from a derogation is extended beyond the isolated region or becomes connected to hydrogen networks located outside of the regions, the Member State shall withdraw the derogation.	<u>3. Derogations pursuant paragraph 1 shall expire 15 years after they are granted, and in any case by 2045 at the latest. Derogations shall not be renewed. Where a hydrogen network benefitting from a derogation is extended beyond the isolated region or becomes connected to hydrogen networks located outside of the regions, the Member State shall withdraw the derogation.</u> Provisionally agreed
	Article 80b(4)			
1007m			4. Every 7 years as from the granting of a derogation pursuant to paragraph 1, or at a	<u>4. Every 7 years as from the granting of a derogation pursuant to paragraph 1, or at a reasoned</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			reasoned request by the European Commission, the regulatory authority of the Member State granting the derogation shall publish an assessment of the derogation's impact on competition, infrastructure development and market functioning. If the regulatory authority concludes that the continued application of the derogation would carry the risk of impeding competition or adversely affecting the efficient deployment of hydrogen infrastructure or the development of the hydrogen market in the Member State or the Union, the Member State shall withdraw the derogation.	<u>request by the European Commission, the regulatory authority of the Member State granting the derogation shall publish an assessment of the derogation's impact on competition, infrastructure development and market functioning. If the regulatory authority concludes that the continued application of the derogation would carry the risk of impeding competition or adversely affecting the efficient deployment of hydrogen infrastructure or the development of the hydrogen market in the Member State or the Union, the Member State shall withdraw the derogation.</u> Provisionally agreed
Article 81				
1008	Article 81 Derogations in relation to natural gas transmission lines to and from third countries	Article 81 Derogations in relation to natural gas transmission lines to and from third countries	Article 81 Derogations in relation to natural gas transmission lines to and from third countries	Article 81 Derogations in relation to natural gas transmission lines to and from third countries Text Origin: Commission Proposal
Article 81(1), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1009	1. In respect of gas transmission lines between a Member State and a third country completed before 23 May 2019, the Member State where the first connection point of such a transmission line with a Member State's network is located may decide to derogate from Articles 54, 65, 66 and 27 and Article 72(7), (9) and 73 (1) for the sections of such gas transmission line located in its territory and territorial sea, for objective reasons such as to enable the recovery of the investment made or for reasons of security of supply, provided that the derogation is not detrimental to competition on or the effective functioning of the internal market in natural gas, or to security of supply in the Union.	1. In respect of gas transmission lines between a Member State and a third country completed before 23 May 2019, the Member State where the first connection point of such a transmission line with a Member State's network is located may decide to derogate from Articles 54, 65, 66 and 27 and Article 72(7), (9) and 73 (1) for the sections of such gas transmission line located in its territory and territorial sea, for objective reasons such as to enable the recovery of the investment made or for reasons of security of supply, provided that the derogation is not detrimental to competition on or the effective functioning of the internal market in natural gas, or to security of supply in the Union.	1. In respect of gas transmission lines between a Member State and a third country completed before 23 May 2019, the Member State where the first connection point of such a transmission line with a Member State's network is located may decide to derogate from Articles 54, 65, 66 and 27 and Article 72(7), (9) and 73 (1) for the sections of such gas transmission line located in its territory and territorial sea, for objective reasons such as to enable the recovery of the investment made or for reasons of security of supply, provided that the derogation is not detrimental to competition on or the effective functioning of the internal market in natural gas, or to security of supply in the Union.	1. In respect of gas transmission lines between a Member State and a third country completed before 23 May 2019, the Member State where the first connection point of such a transmission line with a Member State's network is located may decide to derogate from Articles 54, 65, 66 and 27 and Article 72(7), (9) and 73 (1) for the sections of such gas transmission line located in its territory and territorial sea, for objective reasons such as to enable the recovery of the investment made or for reasons of security of supply, provided that the derogation is not detrimental to competition on or the effective functioning of the internal market in natural gas, or to security of supply in the Union. Text Origin: Commission Proposal
Article 81(1), second subparagraph				
1010	The derogation shall be limited in time up to 20 years based on objective justification, renewable if justified and may be subject to conditions which contribute to the	The derogation shall be limited in time up to 20 years based on objective justification, renewable if justified and may be subject to conditions which contribute to the	The derogation shall be limited in time up to 20 years based on objective justification, renewable if justified and may be subject to conditions which contribute to the	The derogation shall be limited in time up to 20 years based on objective justification, renewable if justified and may be subject to conditions which contribute to the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	achievement of the conditions in the first subparagraph.	achievement of the conditions in the first subparagraph.	achievement of the conditions in the first subparagraph.	achievement of the conditions in the first subparagraph. Text Origin: Commission Proposal
Article 81(1), third subparagraph				
1011	Such derogations shall not apply to transmission lines between a Member State and a third country which has the obligation to transpose this Directive and which effectively implements this Directive in its legal order under an agreement concluded with the Union.	Such derogations shall not apply to transmission lines between a Member State and a third country which has the obligation to transpose this Directive and which effectively implements this Directive in its legal order under an agreement concluded with the Union.	Such derogations shall not apply to transmission lines between a Member State and a third country which has the obligation to transpose this Directive and which effectively implements this Directive in its legal order under an agreement concluded with the Union.	Such derogations shall not apply to transmission lines between a Member State and a third country which has the obligation to transpose this Directive and which effectively implements this Directive in its legal order under an agreement concluded with the Union. Text Origin: Commission Proposal
Article 81(2), first subparagraph				
1012	2. Where the transmission line concerned is located in the territory of more than one Member State, the Member State in the territory of which the first connection point with the Member States' network is located shall decide whether to grant a derogation for that transmission line after consulting all the Member States concerned.	2. Where the transmission line concerned is located in the territory of more than one Member State, the Member State in the territory of which the first connection point with the Member States' network is located shall decide whether to grant a derogation for that transmission line after consulting all the Member States concerned.	2. Where the transmission line concerned is located in the territory of more than one Member State, the Member State in the territory of which the first connection point with the Member States' network is located shall decide whether to grant a derogation for that transmission line after consulting all the Member States concerned.	2. Where the transmission line concerned is located in the territory of more than one Member State, the Member State in the territory of which the first connection point with the Member States' network is located shall decide whether to grant a derogation for that transmission line after consulting all the Member States concerned.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 81(2), second subparagraph				
1013	Upon request by the Member States concerned, the Commission may decide to act as an observer in the consultation between the Member State in the territory of which the first connection point is located and the third country concerning the consistent application of this Directive in the territory and territorial sea of the Member State where the first interconnection point is located, including the granting of derogations for such transmission lines.	Upon request by the Member States concerned, the Commission may decide to act as an observer in the consultation between the Member State in the territory of which the first connection point is located and the third country concerning the consistent application of this Directive in the territory and territorial sea of the Member State where the first interconnection point is located, including the granting of derogations for such transmission lines.	Upon request by the Member States concerned, the Commission may decide to act as an observer in the consultation between the Member State in the territory of which the first connection point is located and the third country concerning the consistent application of this Directive in the territory and territorial sea of the Member State where the first interconnection point is located, including the granting of derogations for such transmission lines.	Upon request by the Member States concerned, the Commission may decide to act as an observer in the consultation between the Member State in the territory of which the first connection point is located and the third country concerning the consistent application of this Directive in the territory and territorial sea of the Member State where the first interconnection point is located, including the granting of derogations for such transmission lines. Text Origin: Commission Proposal
Article 81(3)				
1014	3. Decisions pursuant to paragraphs 1 and 2 shall be adopted by 24 May 2020. Member States shall notify any such decisions to the Commission and shall publish them.	3. Decisions pursuant to paragraphs 1 and 2 shall be adopted by 24 May 2020. Member States shall notify any such decisions to the Commission and shall publish them.	3. Decisions pursuant to paragraphs 1 and 2 shall be adopted by 24 May 2020. Member States shall notify any such decisions to the Commission and shall publish them.	3. Decisions pursuant to paragraphs 1 and 2 shall be adopted by 24 May 2020. Member States shall notify any such decisions to the Commission and shall publish them.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 82				
1015	Article 82 Empowerment procedure	Article 82 Empowerment procedure	Article 82 Empowerment procedure	Article 82 Empowerment procedure Text Origin: Commission Proposal
Article 82(1)				
1016	1. Without prejudice to other obligations under Union law, and to the allocation of competence between the Union and the Member States, existing agreements between a Member State and a third country on the operation of a transmission line or an upstream pipeline network may be maintained in force until the entry into force of a subsequent agreement between the Union and the same third country or until the procedure under paragraphs 2 to 15 of this Article applies.	1. Without prejudice to other obligations under Union law, and to the allocation of competence between the Union and the Member States, existing agreements between a Member State and a third country on the operation of a transmission line or an upstream pipeline network may be maintained in force until the entry into force of a subsequent agreement between the Union and the same third country or until the procedure under paragraphs 2 to 15 of this Article applies.	1. Without prejudice to other obligations under Union law, and to the allocation of competence between the Union and the Member States, existing agreements between a Member State and a third country on the operation of a transmission line or an upstream pipeline network may be maintained in force until the entry into force of a subsequent agreement between the Union and the same third country or until the procedure under paragraphs 2 to 15 of this Article applies.	1. Without prejudice to other obligations under Union law, and to the allocation of competence between the Union and the Member States, existing agreements between a Member State and a third country on the operation of a transmission line or an upstream pipeline network may be maintained in force until the entry into force of a subsequent agreement between the Union and the same third country or until the procedure under paragraphs 2 to 15 of this Article applies. Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 82(2), first subparagraph				
1017	2. Without prejudice to the allocation of competence between the Union and the Member States, where a Member State intends to enter into negotiations with a third country in order to amend, extend, adapt, renew or conclude an agreement on the operation of a transmission line with a third country concerning matters falling, entirely or partly, within the scope of this Directive, it shall notify the Commission of its intention in writing.	2. Without prejudice to the allocation of competence between the Union and the Member States, where a Member State intends to enter into negotiations with a third country in order to amend, extend, adapt, renew or conclude an agreement on the operation of a transmission line with a third country concerning matters falling, entirely or partly, within the scope of this Directive, it shall notify the Commission of its intention in writing.	2. Without prejudice to the allocation of competence between the Union and the Member States, where a Member State intends to enter into negotiations with a third country in order to amend, extend, adapt, renew or conclude an agreement on the operation of a transmission line with a third country or a hydrogen interconnector with a third country concerning matters falling, entirely or partly, within the scope of this Directive or of the [recast Gas Regulation] , it shall notify the Commission of its intention in writing.	2. Without prejudice to the allocation of competence between the Union and the Member States, where a Member State intends to enter into negotiations with a third country in order to amend, extend, adapt, renew or conclude an agreement on the operation of a transmission line with a third country <u>or a hydrogen interconnector with a third country</u> concerning matters falling, entirely or partly, within the scope of this Directive <u>or of the [recast Gas Regulation]</u> , it shall notify the Commission of its intention in writing. Text Origin: Council Mandate
Article 82(2), second subparagraph				
1018	Such a notification shall include the relevant documentation and an indication of the provisions to be addressed in the negotiations or to be renegotiated, the objectives of the negotiations and any other relevant information, and shall be transmitted to the Commission at least five months before the	Such a notification shall include the relevant documentation and an indication of the provisions to be addressed in the negotiations or to be renegotiated, the objectives of the negotiations and any other relevant information, and shall be transmitted to the Commission at least five months before the	Such a notification shall include the relevant documentation and an indication of the provisions to be addressed in the negotiations or to be renegotiated, the objectives of the negotiations and any other relevant information, and shall be transmitted to the Commission at least five months before the	Such a notification shall include the relevant documentation and an indication of the provisions to be addressed in the negotiations or to be renegotiated, the objectives of the negotiations and any other relevant information, and shall be transmitted to the Commission at least five months before the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	intended start of the negotiations.	intended start of the negotiations.	intended start of the negotiations.	intended start of the negotiations. Text Origin: Commission Proposal
Article 82(3)				
1019	3. Further to any notification pursuant to paragraph 2, the Commission shall authorise the Member State concerned to enter into formal negotiations with a third country for the part which may affect Union common rules unless it considers that the opening of such negotiations would:	3. Further to any notification pursuant to paragraph 2, the Commission shall authorise the Member State concerned to enter into formal negotiations with a third country for the part which may affect Union common rules unless it considers that the opening of such negotiations would:	3. Further to any notification pursuant to paragraph 2, the Commission shall authorise the Member State concerned to enter into formal negotiations with a third country for the part which may affect Union common rules unless it considers that the opening of such negotiations would:	3. Further to any notification pursuant to paragraph 2, the Commission shall authorise the Member State concerned to enter into formal negotiations with a third country for the part which may affect Union common rules unless it considers that the opening of such negotiations would: Text Origin: Commission Proposal
Article 82(3), point (a)				
1020	(a) be in conflict with Union law other than the incompatibilities arising from the allocation of competence between the Union and the Member States;	(a) be in conflict with Union law other than the incompatibilities arising from the allocation of competence between the Union and the Member States;	(a) be in conflict with Union law other than the incompatibilities arising from the allocation of competence between the Union and the Member States;	(a) be in conflict with Union law other than the incompatibilities arising from the allocation of competence between the Union and the Member States; Text Origin: Commission Proposal
Article 82(3), point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1021	(b) be detrimental to the functioning of the internal market in natural gas, competition or security of supply in a Member State or in the Union;	(b) be detrimental to the functioning of the internal market in natural gas, competition or security of supply in a Member State or in the Union;	(b) be detrimental to the functioning of the internal market in natural gas or hydrogen , competition or security of supply in a Member State or in the Union, taking into account the principle of solidarity between Member States pursuant to Article 194(1) of the TFEU ;	(b) be detrimental to the functioning of the internal market in natural gas <u>or hydrogen</u> , competition or security of supply in a Member State or in the Union, <u>taking into account the principle of solidarity between Member States pursuant to Article 194(1) of the TFEU</u> ; Text Origin: Council Mandate
Article 82(3), point (c)				
1022	(c) undermine the objectives of pending negotiations of intergovernmental agreements by the Union with a third country;	(c) undermine the objectives of pending negotiations of intergovernmental agreements by the Union with a third country;	(c) undermine the objectives of pending negotiations of ~~intergovernmental~~ international agreements by the Union with a third country;	(c) undermine the objectives of pending negotiations of ~~intergovernmental~~ <u>international</u> agreements by the Union with a third country; Text Origin: Council Mandate
Article 82(3), point (d)				
1023	(d) be discriminatory.	(d) be discriminatory.	(d) be discriminatory.	(d) be discriminatory. Text Origin: Commission Proposal
Article 82(4)				
1024				

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	4. When carrying out the assessment under paragraph 3, the Commission shall take into account whether the intended agreement concerns a transmission line or an upstream pipeline that contributes to the diversification of natural gas supplies and suppliers by means of new natural gas sources.	4. When carrying out the assessment under paragraph 3, the Commission shall take into account whether the intended agreement concerns a transmission line or an upstream pipeline that contributes to the diversification of natural gas supplies and suppliers by means of new natural gas sources.	4. When carrying out the assessment under paragraph 3, the Commission shall take into account whether the intended agreement concerns a transmission line or an upstream pipeline that contributes to the diversification of natural gas supplies and suppliers by means of new natural gas sources.	4. When carrying out the assessment under paragraph 3, the Commission shall take into account whether the intended agreement concerns a transmission line or an upstream pipeline that contributes to the diversification of natural gas supplies and suppliers by means of new natural gas sources. Text Origin: Commission Proposal
Article 82(5)				
1025	5. Within 90 days of receipt of the notification referred to in paragraph 2, the Commission shall adopt a decision authorising or refusing to authorise a Member State to enter into negotiations in order to amend, extend, adapt, renew or conclude an agreement with a third country. Where additional information is needed to adopt a decision, the 90-day period shall run from the date of receipt of such additional information.	5. Within 90 days of receipt of the notification referred to in paragraph 2, the Commission shall adopt a decision authorising or refusing to authorise a Member State to enter into negotiations in order to amend, extend, adapt, renew or conclude an agreement with a third country. Where additional information is needed to adopt a decision, the 90-day period shall run from the date of receipt of such additional information.	5. Within 90 days of receipt of the notification referred to in paragraph 2, the Commission shall adopt a decision authorising or refusing to authorise a Member State to enter into negotiations in order to amend, extend, adapt, renew or conclude an agreement with a third country. Where additional information is needed to adopt a decision, the 90-day period shall run from the date of receipt of such additional information.	5. Within 90 days of receipt of the notification referred to in paragraph 2, the Commission shall adopt a decision authorising or refusing to authorise a Member State to enter into negotiations in order to amend, extend, adapt, renew or conclude an agreement with a third country. Where additional information is needed to adopt a decision, the 90-day period shall run from the date of receipt of such additional information. Text Origin: Commission Proposal
Article 82(6)				

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1026	6. In the event that the Commission adopts a decision refusing to authorise a Member State to enter into negotiations in order to amend, extend, adapt, renew or conclude an agreement with a third country, it shall inform the Member State concerned accordingly and shall give the reasons therefor.	6. In the event that the Commission adopts a decision refusing to authorise a Member State to enter into negotiations in order to amend, extend, adapt, renew or conclude an agreement with a third country, it shall inform the Member State concerned accordingly and shall give the reasons therefor.	6. In the event that the Commission adopts a decision refusing to authorise a Member State to enter into negotiations in order to amend, extend, adapt, renew or conclude an agreement with a third country, it shall inform the Member State concerned accordingly and shall give the reasons ~~therefor~~ therefore .	6. In the event that the Commission adopts a decision refusing to authorise a Member State to enter into negotiations in order to amend, extend, adapt, renew or conclude an agreement with a third country, it shall inform the Member State concerned accordingly and shall give the reasons ~~therefor~~ therefore . Text Origin: Council Mandate
Article 82(7)				
1027	7. Decisions authorising or refusing to authorise a Member State to enter into negotiations in order to amend, extend, adapt, renew or conclude an agreement with a third country shall be adopted, by means of implementing acts, in accordance with the procedure referred to in Article 83(2).	7. Decisions authorising or refusing to authorise a Member State to enter into negotiations in order to amend, extend, adapt, renew or conclude an agreement with a third country shall be adopted, by means of implementing acts, in accordance with the procedure referred to in Article 83(2).	7. Decisions authorising or refusing to authorise a Member State to enter into negotiations in order to amend, extend, adapt, renew or conclude an agreement with a third country shall be adopted, by means of implementing acts, in accordance with the procedure referred to in Article 83(2).	7. Decisions authorising or refusing to authorise a Member State to enter into negotiations in order to amend, extend, adapt, renew or conclude an agreement with a third country shall be adopted, by means of implementing acts, in accordance with the procedure referred to in Article 83(2). Text Origin: Commission Proposal
Article 82(8)				
1028	8. The Commission may provide	8. The Commission may provide	8. The Commission may provide	8. The Commission may provide

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	guidance and may request the inclusion of particular clauses in the agreement envisaged, in order to ensure compatibility with Union law in accordance with Decision (EU) 2017/684 of the European Parliament and of the Council¹. 1. Decision (EU) 2017/684 of the European Parliament and of the Council of 5 April 2017 on establishing an information exchange mechanism with regard to intergovernmental agreements and non-binding instruments between Member States and third countries in the field of energy, and repealing Decision No 994/2012/EU (OJ L 99, 12.4.2017, p. 1).	guidance and may request the inclusion of particular clauses in the agreement envisaged, in order to ensure compatibility with Union law in accordance with Decision (EU) 2017/684 of the European Parliament and of the Council¹. 1. Decision (EU) 2017/684 of the European Parliament and of the Council of 5 April 2017 on establishing an information exchange mechanism with regard to intergovernmental agreements and non-binding instruments between Member States and third countries in the field of energy, and repealing Decision No 994/2012/EU (OJ L 99, 12.4.2017, p. 1).	guidance and may request the inclusion of particular clauses in the agreement envisaged, in order to ensure compatibility with Union law in accordance with Decision (EU) 2017/684 of the European Parliament and of the Council¹. 1. Decision (EU) 2017/684 of the European Parliament and of the Council of 5 April 2017 on establishing an information exchange mechanism with regard to intergovernmental agreements and non-binding instruments between Member States and third countries in the field of energy, and repealing Decision No 994/2012/EU (OJ L 99, 12.4.2017, p. 1).	guidance and may request the inclusion of particular clauses in the agreement envisaged, in order to ensure compatibility with Union law in accordance with Decision (EU) 2017/684 of the European Parliament and of the Council¹. 1. Decision (EU) 2017/684 of the European Parliament and of the Council of 5 April 2017 on establishing an information exchange mechanism with regard to intergovernmental agreements and non-binding instruments between Member States and third countries in the field of energy, and repealing Decision No 994/2012/EU (OJ L 99, 12.4.2017, p. 1). Text Origin: Commission Proposal
Article 82(9)				
1029	9. The Commission shall be kept informed of the progress and results of the negotiations to amend, extend, adapt, renew or to conclude an agreement throughout the different stages of such negotiations and may request to participate in such negotiations between the Member State and the third country in accordance with Decision (EU) 2017/684.	9. The Commission shall be kept informed of the progress and results of the negotiations to amend, extend, adapt, renew or to conclude an agreement throughout the different stages of such negotiations and may request to participate in such negotiations between the Member State and the third country in accordance with Decision (EU) 2017/684.	9. The Commission shall be kept informed of the progress and results of the negotiations to amend, extend, adapt, renew or to conclude an agreement throughout the different stages of such negotiations and may request to participate in such negotiations between the Member State and the third country in accordance with Decision (EU) 2017/684.	9. The Commission shall be kept informed of the progress and results of the negotiations to amend, extend, adapt, renew or to conclude an agreement throughout the different stages of such negotiations and may request to participate in such negotiations between the Member State and the third country in accordance with Decision (EU) 2017/684.

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				Text Origin: Commission Proposal
Article 82(10)				
1030	10. The Commission shall inform the European Parliament and the Council of the decisions adopted pursuant to paragraph 5.	10. The Commission shall inform the European Parliament and the Council of the decisions adopted pursuant to paragraph 5.	10. The Commission shall inform the European Parliament and the Council of the decisions adopted pursuant to paragraph 5.	10. The Commission shall inform the European Parliament and the Council of the decisions adopted pursuant to paragraph 5. Text Origin: Commission Proposal
Article 82(11)				
1031	11. Before signing an agreement with a third country, the Member State concerned shall notify the Commission of the outcome of negotiations and shall transmit the text of the negotiated agreement to the Commission.	11. Before signing an agreement with a third country, the Member State concerned shall notify the Commission of the outcome of negotiations and shall transmit the text of the negotiated agreement to the Commission.	11. Before signing an agreement with a third country, the Member State concerned shall notify the Commission of the outcome of negotiations and shall transmit the text of the negotiated agreement to the Commission.	11. Before signing an agreement with a third country, the Member State concerned shall notify the Commission of the outcome of negotiations and shall transmit the text of the negotiated agreement to the Commission. Text Origin: Commission Proposal
Article 82(12)				
1032	12. Upon notification pursuant to paragraph 11, the Commission shall assess the negotiated agreement pursuant to paragraph 3.	12. Upon notification pursuant to paragraph 11, the Commission shall assess the negotiated agreement pursuant to paragraph 3.	12. Upon notification pursuant to paragraph 11, the Commission shall assess the negotiated agreement pursuant to paragraph 3.	12. Upon notification pursuant to paragraph 11, the Commission shall assess the negotiated agreement pursuant to paragraph 3.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Where the Commission finds that the negotiations have resulted in an agreement which complies with paragraph 3, it shall authorise the Member State to sign and conclude the agreement.	Where the Commission finds that the negotiations have resulted in an agreement which complies with paragraph 3, it shall authorise the Member State to sign and conclude the agreement.	Where the Commission finds that the negotiations have resulted in an agreement which complies with paragraph 3, it shall authorise the Member State to sign and conclude the agreement.	Where the Commission finds that the negotiations have resulted in an agreement which complies with paragraph 3, it shall authorise the Member State to sign and conclude the agreement. Text Origin: Commission Proposal
Article 82(13)				
1033	13. Within 90 days of receipt of the notification referred to in paragraph 11, the Commission shall adopt a decision authorising or refusing to authorise a Member State to sign and conclude the agreement with a third country. Where additional information is needed to adopt a decision, the 90-day period shall run from the date of receipt of such additional information.	13. Within 90 days of receipt of the notification referred to in paragraph 11, the Commission shall adopt a decision authorising or refusing to authorise a Member State to sign and conclude the agreement with a third country. Where additional information is needed to adopt a decision, the 90-day period shall run from the date of receipt of such additional information.	13. Within 90 days of receipt of the notification referred to in paragraph 11, the Commission shall adopt a decision authorising or refusing to authorise a Member State to sign and conclude the agreement with a third country. Where additional information is needed to adopt a decision, the 90-day period shall run from the date of receipt of such additional information.	13. Within 90 days of receipt of the notification referred to in paragraph 11, the Commission shall adopt a decision authorising or refusing to authorise a Member State to sign and conclude the agreement with a third country. Where additional information is needed to adopt a decision, the 90-day period shall run from the date of receipt of such additional information. Text Origin: Commission Proposal
Article 82(14)				
1034	14. Where the Commission adopts a decision pursuant to paragraph 13, authorising a Member State to	14. Where the Commission adopts a decision pursuant to paragraph 13, authorising a Member State to	14. Where the Commission adopts a decision pursuant to paragraph 13, authorising a Member State to	14. Where the Commission adopts a decision pursuant to paragraph 13, authorising a Member State to

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	sign and conclude the agreement with a third country, the Member State concerned shall notify the Commission of the conclusion and entry into force of the agreement, and of any subsequent changes to the status of that agreement.	sign and conclude the agreement with a third country, the Member State concerned shall notify the Commission of the conclusion and entry into force of the agreement, and of any subsequent changes to the status of that agreement.	sign and conclude the agreement with a third country, the Member State concerned shall notify the Commission of the conclusion and entry into force of the agreement, and of any subsequent changes to the status of that agreement.	sign and conclude the agreement with a third country, the Member State concerned shall notify the Commission of the conclusion and entry into force of the agreement, and of any subsequent changes to the status of that agreement. Text Origin: Commission Proposal
Article 82(15)				
1035	15. In the event that the Commission adopts a decision refusing to authorise a Member State to sign and conclude the agreement with a third country pursuant to paragraph 13, it shall inform the Member State concerned accordingly and shall give the reasons therefor.	15. In the event that the Commission adopts a decision refusing to authorise a Member State to sign and conclude the agreement with a third country pursuant to paragraph 13, it shall inform the Member State concerned accordingly and shall give the reasons therefor.	15. In the event that the Commission adopts a decision refusing to authorise a Member State to sign and conclude the agreement with a third country pursuant to paragraph 13, it shall inform the Member State concerned accordingly and shall give the reasons therefor.	15. In the event that the Commission adopts a decision refusing to authorise a Member State to sign and conclude the agreement with a third country pursuant to paragraph 13, it shall inform the Member State concerned accordingly and shall give the reasons therefor. Text Origin: Commission Proposal
Article 83				
1036	Article 83 Exercise of the delegation	Article 83 Exercise of the delegation	Article 83 Exercise of the delegation	Article 83 Exercise of the delegation Text Origin: Commission Proposal

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Article 83(1)				
1037	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article. Text Origin: Commission Proposal
Article 83(2)				
1038	2. The power to adopt delegated acts referred to in Articles 8, 56, 66, 74, 75 and 76 shall be conferred on the Commission for an indeterminate period of time from [date of entry into force].	2. The power to adopt delegated acts referred to in Articles 8, 56, 66, 74, 75 and 76 shall be conferred on the Commission for an indeterminate period of time from [date of entry into force].	2. The power to adopt delegated acts referred to in Articles 8, 56, 66, 74, 75 and 76 shall be conferred on the Commission for an indeterminate period of time from [date of entry into force].	2. The power to adopt delegated acts referred to in Articles 8, 56, 66, 74, 75 and 76 shall be conferred on the Commission for an indeterminate period of time from [date of entry into force]. Text Origin: Commission Proposal
Article 83(3)				
1039	3. The delegation of power referred to in Articles 8, 56, 66, 74, 75 and 76 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the	3. The delegation of power referred to in Articles 8, 56, 66, 74, 75 and 76 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the	3. The delegation of power referred to in Articles 8, 56, 66, 74, 75 and 76 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the	3. The delegation of power referred to in Articles 8, 56, 66, 74, 75 and 76 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	delegation of power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated act already in force.	delegation of power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated act already in force.	delegation of power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated act already in force.	delegation of power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated act already in force. Text Origin: Commission Proposal
Article 83(4)				
1040	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making <i>as well as all relevant stakeholders. The European Scientific Advisory Board on Climate Change Commission may give an opinion to the Commission as to whether the delegated act contributes to achieving the Union's energy and climate targets.</i>	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making <u>as well as all relevant stakeholders.</u> Text Origin: EP Mandate
Article 83(5)				

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1041	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council. Text Origin: Commission Proposal
Article 83(6)				
1042	6. A delegated act adopted pursuant to Articles 8, 56, 66, 74, 75 and 76 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	6. A delegated act adopted pursuant to Articles 8, 56, 66, 74, 75 and 76 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	6. A delegated act adopted pursuant to Articles 8, 56, 66, 74, 75 and 76 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	6. A delegated act adopted pursuant to Articles 8, 56, 66, 74, 75 and 76 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council. Text Origin: Commission Proposal
Article 84				

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1043	Article 84 Committee procedure	Article 84 Committee procedure	Article 84 Committee procedure	Article 84 Committee procedure Text Origin: Commission Proposal
Article 84(1)				
1044	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. Text Origin: Commission Proposal
Article 84(2)				
1045	2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply. Text Origin: Commission Proposal
Article 84(3)				
1046	3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

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				Text Origin: Commission Proposal
Article 85				
1047	Article 85 Review and reporting	Article 85 Review and reporting	Article 85 Review and reporting	Article 85 Review and reporting Text Origin: Commission Proposal
Article 85, first paragraph, point (i)				
1048a			(i) the application of Article 8, and related definitions in Article 2, to assess whether facilities that begin operation from 1 January 2031 should demonstrate higher greenhouse gas emission savings from the use of low carbon fuels and low carbon hydrogen to receive certification pursuant to that Article.	<u>Deleted</u>
Article 85, first paragraph, point (i)				
1048b			(ii) the application of a uniform regulatory framework to hydrogen network operators without distinction between the functions of hydrogen transmission and hydrogen	<u>Deleted</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			distribution, including the impact of applying the requirements set out in Article 62 to all hydrogen networks.	
Article 85, first paragraph a				
1048c			2. By 31 December 2031 the Commission shall assess implementation of rules on independent transmission operators for natural gas on designated integrated hydrogen network operators, taking into account hydrogen market functioning, competition, liquidity and hydrogen infrastructure development, and submit a report to the European Parliament and to the Council. The report shall set out the findings of the Commission's assessment. Where appropriate, the Commission shall propose a review of the provisions set out in this paragraph.	<u>Deleted</u>
Article 86				
1049	Article 86 Amendments to Directive 2012/27/EU	Article 86 Amendments to Directive 2012/27/EU	Article 86 Amendments to Directive 2012/27/EU	Article 86 Amendments to Directive 2012/27/EU

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
	Article 86, first paragraph			
G 1050	Directive 2012/27/EU is amended as follows:	Directive 2012/27/EU is amended as follows:	Directive 2012/27/EU is amended as follows:	Directive 2012/27/EU is amended as follows: Text Origin: Commission Proposal
	Article 86, first paragraph, point (1)			
G 1051	(1) Articles 9, 10 and 11 are deleted;	(1) Articles 9, 10 and 11 are deleted;	(1) Articles 9, 10 and 11 are deleted;	(1) Articles 9, 10 and 11 are deleted; Text Origin: Commission Proposal
	Article 86, first paragraph, point (2)			
G 1052	(2) Annex VII is deleted.	(2) Annex VII is deleted.	(2) Annex VII is deleted.	(2) Annex VII is deleted. Text Origin: Commission Proposal
	Article 87			
G 1053	Article 87 Transposition	Article 87 Transposition	Article 87 Transposition	Article 87 Transposition

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				Text Origin: Commission Proposal
	Article 87(1), first subparagraph			
1054	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 2 to 5, Article 7 to 25, Articles 26, 27, and 29, Article 31 to 34, Article 35 (1) (a), (3), (4), (7),(8) and (9), Article 37 and 38, Article 40 (1), (2), (7), (8), and (9), Article 41, Article 42 (2), Article 46 to 53, Articles 56 and 58(11), Article 62 to 69, Article 70 (5) and (6), Article 71 to 73, Article 75 (1), (5), (6) and (9), Article 76 and 77, Annex I and Annex II by 31 December 2023. They shall immediately communicate the text of those measures to the Commission.	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 2 to 5, Article 7 to 25, Articles 26, 27, and 29, Article 31 to 34, Article 35 (1) (a), (3), (4), (7),(8) and (9), Article 37 and 38, Article 40 (1), (2), (7), (8), and (9), Article 41, Article 42 (2), Article 46 to 53, Articles 56 and 58(11), Article 62 to 69, Article 70 (5) and (6), Article 71 to 73, Article 75 (1), (5), (6) and (9), Article 76 and 77, Annex I and Annex II by 31 December 2023. They shall immediately communicate the text of those measures to the Commission.	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with ~~Article~~Articles 2 to 5, ~~Article 7 to 25, Articles 26, 27, and~~Articles 7 to 27, Article 29, Article 31 to 34, Article 35 (1) (a), (3), (4), (7),(8) and (9), ~~Article~~Articles 37 and 38, Article 40 (1), (2), (7), (8), and (9), Article 41, Article 42 (2), ~~Article~~Articles 46 to 53, Articles 56 and 58(11), ~~Article~~Articles 62 to 69, Article 70 (5) and (6), ~~Article~~Articles 71 to 73, Article 75 (1), (5), (6) and (9), ~~Article~~Articles 76 and 77, Annex I and Annex II by 31 December 2023[two years after entry into force of this Directive] . They shall immediately communicate the text of those measures to the Commission .	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with ~~Article~~Articles 2 to 5, ~~Article 7 to 25, Articles 26, 27, and~~Articles 7 to 27, Article 29, Article 31 to 34, Article 35 (1) (a), (3), (4), (7),(8) and (9), ~~Article~~Articles 37 and 38, Article 40 (1), (2), (7), (8), and (9), Article 41, Article 42 (2), ~~Article~~Articles 46 to 53, Articles 56 and 58(11), ~~Article~~Articles 62 to 69, Article 70 (5) and (6), ~~Article~~Articles 71 to 73, Article 75 (1), (5), (6) and (9), ~~Article~~Articles 76 and 77, Annex I and Annex II by ~~31 December 2023~~[two years after entry into force of this Directive] . They shall immediately communicate the text of those measures to the Commission . Text Origin: Council Mandate
	Article 87(1), second subparagraph			
1055				

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	When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made and how that statement is to be formulated.	When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made and how that statement is to be formulated.	When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made and how that statement is to be formulated.	When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made and how that statement is to be formulated. Text Origin: Commission Proposal
Article 87(2)				
1056	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive. Text Origin: Commission Proposal
Article 88				
1057	Article 88 Repeal	Article 88 Repeal	Article 88 Repeal	Article 88 Repeal Text Origin: Commission Proposal
Article 88, second paragraph				

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1059	References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex IV.	References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex IV.	References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex IV.	References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex IV. Text Origin: Commission Proposal
Article 89				
1060	Article 89 Entry into force	Article 89 Entry into force	Article 89 Entry into force	Article 89 Entry into force Text Origin: Commission Proposal
Article 89, first paragraph				
1061	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. Text Origin: Commission Proposal
Article 90				
1062	Article 90 Addressees	Article 90 Addressees	Article 90 Addressees	Article 90 Addressees

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
	Article 90, first paragraph			
1063	This Directive is addressed to the Member States.	This Directive is addressed to the Member States.	This Directive is addressed to the Member States.	This Directive is addressed to the Member States. Text Origin: Commission Proposal
	Formula			
1064	Done at Brussels,	Done at Brussels,	Done at Brussels,	Done at Brussels, Text Origin: Commission Proposal
	Formula			
1065	For the European Parliament	For the European Parliament	For the European Parliament	For the European Parliament Text Origin: Commission Proposal
	Formula			
1066	The President	The President	The President	The President Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Formula			
1067	For the Council	For the Council	For the Council	For the Council Text Origin: Commission Proposal
	Formula			
1068	The President	The President	The President	The President Text Origin: Commission Proposal
	Annex I			
1069	Annex I	Annex I	Annex I	Annex I Text Origin: Commission Proposal
	Annex I, first paragraph			
1070	MINIMUM REQUIREMENTS FOR BILLING AND BILLING INFORMATION FOR GASES	MINIMUM REQUIREMENTS FOR BILLING AND BILLING INFORMATION FOR GASES	MINIMUM REQUIREMENTS FOR BILLING AND BILLING INFORMATION FOR GASES	MINIMUM REQUIREMENTS FOR BILLING AND BILLING INFORMATION FOR GASES Text Origin: Commission Proposal
	Annex I, point 1.			
1071				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. Minimum information to be contained on the bill and in the billing information for gases	1. Minimum information to be contained on the bill and in the billing information for gases	1. Minimum information to be contained on the bill and in the billing information for gases	1. Minimum information to be contained on the bill and in the billing information for gases Text Origin: Commission Proposal
Annex I, second paragraph				
1072	1.1. The following key information shall be prominently displayed to final customers in their bills, distinctly separate from other parts of the bill:	1.1. The following key information shall be prominently displayed to final customers in their bills, distinctly separate from other parts of the bill:	1.1. The following key information shall be prominently displayed to final customers in their bills, distinctly separate from other parts of the bill:	1.1. The following key information shall be prominently displayed to final customers in their bills, distinctly separate from other parts of the bill: Text Origin: Commission Proposal
Annex I, second paragraph, point (a)				
1073	(a) the price to be paid and a breakdown of the price where possible, together with a clear statement that all energy sources may also benefit from incentives that were not financed through the levies indicated in the breakdown of the price;	(a) the price to be paid and a breakdown of the price where possible, together with a clear statement that all energy sources may also benefit from incentives that were not financed through the levies indicated in the breakdown of the price;	(a) the price to be paid and a breakdown of the price where possible, together with a clear statement that all energy sources may also benefit from incentives that were not financed through the levies indicated in the breakdown of the price;	(a) the price to be paid and a breakdown of the price where possible, together with a clear statement that all energy sources may also benefit from incentives that were not financed through the levies indicated in the breakdown of the price; Text Origin: Commission Proposal
Annex I, second paragraph, point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1074	(b) the date on which payment is due.	(b) the date on which payment is due.	(b) the date on which payment is due.	(b) the date on which payment is due. Text Origin: Commission Proposal
Annex I, third paragraph				
1075	1.2. The following key information shall be prominently displayed to final customers in their bills and billing information, distinctly separate from other parts of the bill and billing information:	1.2. The following key information shall be prominently displayed to final customers in their bills and billing information, distinctly separate from other parts of the bill and billing information:	1.2. The following key information shall be prominently displayed to final customers in their bills and billing information, distinctly separate from other parts of the bill and billing information:	1.2. The following key information shall be prominently displayed to final customers in their bills and billing information, distinctly separate from other parts of the bill and billing information: Text Origin: Commission Proposal
Annex I, third paragraph, point (a)				
1076	(a) consumption of gases for the billing period;	(a) consumption of gas for the billing period;	(a) consumption of gases for the billing period;	(a) consumption of gases for the billing period; gas-gases for technical cleaning Text Origin: Commission Proposal
Annex I, third paragraph, point (b)				
1077	(b) the name and contact details of	(b) the name and contact details of	(b) the name and contact details	(b) the name and contact details of

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the supplier, including a consumer support hotline and email address;	the supplier, including a consumer support hotline and email address;	of the supplier, including a consumer support hotline and email address;	the supplier, including a consumer support hotline and email address; Text Origin: Commission Proposal
Annex I, third paragraph, point (c)				
1078	(c) the tariff name;	(c) the tariff name;	(c) the tariff name;	(c) the tariff name; Text Origin: Commission Proposal
Annex I, third paragraph, point (d)				
1079	(d) the end date of the contract, if applicable;	(d) the end date of the contract, if applicable;	(d) the end date of the contract, if applicable;	(d) the end date of the contract, if applicable; Text Origin: Commission Proposal
Annex I, third paragraph, point (e)				
1080	(e) the information on the availability and benefits of switching;	(e) the information on the availability and benefits of switching;	(e) the information on the availability and benefits of switching;	(e) the information on the availability and benefits of switching; Text Origin: Commission Proposal
Annex I, third paragraph, point (f)				
1081				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(f) the final customer's switching code or unique identification code for the final customer's supply point;	(f) the final customer's switching code or unique identification code for the final customer's supply point;	(f) the final customer's switching code or unique identification code for the final customer's supply point;	(f) the final customer's switching code or unique identification code for the final customer's supply point; Text Origin: Commission Proposal
Annex I, third paragraph, point (g)				
1082	(g) information on final customers' rights as regards out-of-court dispute settlement, including the contact details of the entity responsible pursuant to Article 24;	(g) information on final customers' rights as regards out-of-court dispute settlement, including the contact details of the entity responsible pursuant to Article 24;	(g) information on final customers' rights as regards out-of-court dispute settlement, including the contact details of the entity responsible pursuant to Article 24;	(g) information on final customers' rights as regards out-of-court dispute settlement, including the contact details of the entity responsible pursuant to Article 24; Text Origin: Commission Proposal
Annex I, third paragraph, point (h)				
1083	(h) the single point of contact referred to in Article 23;	(h) the single point of contact referred to in Article 23;	(h) the single point of contact referred to in Article 23;	(h) the single point of contact referred to in Article 23; Text Origin: Commission Proposal
Annex I, third paragraph, point (i)				
1084	(i) for natural gas only, a link or reference to where comparison tools referred to in Article 12 can	(i) for natural gas only, a link or reference to where comparison tools referred to in Article 12 can	(i) for natural gas only, a link or reference to where comparison tools referred to in Article 12 can	(i) for natural gas only, a link or reference to where comparison tools referred to in Article 12 can

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	be found.	be found.	be found.	be found. Text Origin: Commission Proposal
Annex I, fourth paragraph				
1085	1.3. Where bills are based on actual consumption or remote reading by the operator, the following information shall be made available to final customers in, with or signposted to within their bills and periodic settlement bills:	1.3. Where bills are based on actual consumption or remote reading by the operator, the following information shall be made available to final customers in, with or signposted to within their bills and periodic settlement bills:	1.3. Where bills are based on actual consumption or remote reading by the operator, the following information shall be made available to final customers in, with or signposted to within their bills and periodic settlement bills:	1.3. Where bills are based on actual consumption or remote reading by the operator, the following information shall be made available to final customers in, with or signposted to within their bills and periodic settlement bills: Text Origin: Commission Proposal
Annex I, fourth paragraph, point (a)				
1086	(a) comparisons of the final customer's current consumption of gases with the final customer's consumption for the same period in the previous year in graphic form;	(a) comparisons of the final customer's current consumption of gas with the final customer's consumption for the same period in the previous year in graphic form;	(a) comparisons of the final customer's current consumption of gases with the final customer's consumption for the same period in the previous year in graphic form;	(a) comparisons of the final customer's current consumption of gases with the final customer's consumption for the same period in the previous year in graphic form; gas-gases for technical cleaning Text Origin: Commission Proposal
Annex I, fourth paragraph, point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1087	(b) contact information for consumer organisations, energy agencies or similar bodies, including website addresses, from which information may be obtained on available energy efficiency improvement measures for energy-using equipment;	(b) contact information for consumer organisations, energy agencies or similar bodies, including website addresses, from which information may be obtained on available energy efficiency improvement measures for energy-using equipment;	(b) contact information for consumer organisations, energy agencies or similar bodies, including website addresses, from which information may be obtained on available energy efficiency improvement measures for energy-using equipment;	(b) contact information for consumer organisations, energy agencies or similar bodies, including website addresses, from which information may be obtained on available energy efficiency improvement measures for energy-using equipment; Text Origin: Commission Proposal
Annex I, fourth paragraph, point (c)				
1088	(c) comparisons with an average normalised or benchmarked final customer in the same user category.	(c) comparisons with an average normalised or benchmarked final customer in the same user category.	(c) comparisons with an average normalised or benchmarked final customer in the same user category.	(c) comparisons with an average normalised or benchmarked final customer in the same user category. Text Origin: Commission Proposal
Annex I, point 2.				
1089	2. Frequency of billing and the provision of billing information:	2. Frequency of billing and the provision of billing information:	2. Frequency of billing and the provision of billing information:	2. Frequency of billing and the provision of billing information: Text Origin: Commission Proposal
Annex I, point 2.(a)				

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1090	(a) billing on the basis of actual consumption shall take place at least once a year;	(a) billing on the basis of actual consumption shall take place at least once a year;	(a) billing on the basis of actual consumption shall take place at least once a year;	(a) billing on the basis of actual consumption shall take place at least once a year; Text Origin: Commission Proposal
Annex I, point 2.(b)				
1091	(b) where the final customer does not have a meter that allows remote reading by the operator, or where the final customer has actively chosen to disable remote reading in accordance with national law, accurate billing information based on actual consumption shall be made available to the final customer at least every six months, or once every three months, if requested or where the final customer has opted to receive electronic billing;	(b) where the final customer does not have a meter that allows remote reading by the operator, or where the final customer has actively chosen to disable remote reading in accordance with national law, accurate billing information based on actual consumption shall be made available to the final customer at least every six months, or once every three months, if requested or where the final customer has opted to receive electronic billing;	(b) where the final customer does not have a meter that allows remote reading by the operator, or where the final customer has actively chosen to disable remote reading in accordance with national law, accurate billing information based on actual consumption shall be made available to the final customer at least every six months, or once every three months, if requested or where the final customer has opted to receive electronic billing;	(b) where the final customer does not have a meter that allows remote reading by the operator, or where the final customer has actively chosen to disable remote reading in accordance with national law, accurate billing information based on actual consumption shall be made available to the final customer at least every six months, or once every three months, if requested or where the final customer has opted to receive electronic billing; Text Origin: Commission Proposal
Annex I, point 2.(c)				
1092	(c) where the final customer does not have a meter that allows remote reading by the operator, or where	(c) where the final customer does not have a meter that allows remote reading by the operator, or where	(c) where the final customer does not have a meter that allows remote reading by the operator, or where	(c) where the final customer does not have a meter that allows remote reading by the operator, or where

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	the final customer has actively chosen to disable remote reading in accordance with national law, the obligations in points (a) and (b) may be fulfilled by means of a system of regular self-reading by the final customer, whereby the final customer communicates readings from the meter to the operator; billing or billing information may be based on estimated consumption or a flat rate only where the final customer has not provided a meter reading for a given billing interval;	the final customer has actively chosen to disable remote reading in accordance with national law, the obligations in points (a) and (b) may be fulfilled by means of a system of regular self-reading by the final customer, whereby the final customer communicates readings from the meter to the operator; billing or billing information may be based on estimated consumption or a flat rate only where the final customer has not provided a meter reading for a given billing interval. <i>The estimated consumption shall be based on the previous year consumption and/or on the consumption of a comparable final customer;</i>	the final customer has actively chosen to disable remote reading in accordance with national law, the obligations in points (a) and (b) may be fulfilled by means of a system of regular self-reading by the final customer, whereby the final customer communicates readings from the meter to the operator; billing or billing information may be based on estimated consumption or a flat rate only where the final customer has not provided a meter reading for a given billing interval;	the final customer has actively chosen to disable remote reading in accordance with national law, the obligations in points (a) and (b) may be fulfilled by means of a system of regular self-reading by the final customer, whereby the final customer communicates readings from the meter to the operator; billing or billing information may be based on estimated consumption or a flat rate only where the final customer has not provided a meter reading for a given billing interval. <u><i>The estimated consumption shall be based on the previous year consumption and/or on the consumption of a comparable final customer;</i></u>
Annex I, point 2.(d)				
1093	(d) where the final customer has a meter that allows remote reading by the operator, accurate billing information based on actual consumption shall be provided at least every month; such information may also be made available via the internet, and shall be updated as frequently as allowed by the measurement	(d) where the final customer has a meter that allows remote reading by the operator, accurate billing information based on actual consumption shall be provided at least every month; such information may also be made available via the internet, and shall be updated as frequently as allowed by the measurement	(d) where the final customer has a meter that allows remote reading by the operator, accurate billing information based on actual consumption shall be provided at least every month; such information may also be made available via the internet, and shall be updated as frequently as allowed by the measurement	(d) where the final customer has a meter that allows remote reading by the operator, accurate billing information based on actual consumption shall be provided at least every month; such information may also be made available via the internet, and shall be updated as frequently as allowed by the measurement

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	devices and systems used.	devices and systems used.	devices and systems used.	devices and systems used. Text Origin: Commission Proposal
Annex I, point 3., first subparagraph				
1094	3. Breakdown of the final customer's price	3. Breakdown of the final customer's price	3. Breakdown of the final customer's price	3. Breakdown of the final customer's price Text Origin: Commission Proposal
Annex I, point 3., second subparagraph				
1095	The customer's price is the sum of the following three components: the energy and supply component, the network component (transmission, distribution, transport) and the component comprising taxes, levies, fees and charges.	The customer's price is the sum of the following three components: the energy and supply component, the network component (transmission, distribution, transport) and the component comprising taxes, levies, fees and charges.	The customer's price is the sum of the following three components: the energy and supply component, the network component (transmission, distribution, transport) and the component comprising taxes, levies, fees and charges.	The customer's price is the sum of the following three components: the energy and supply component, the network component (transmission, distribution, transport) and the component comprising taxes, levies, fees and charges. Text Origin: Commission Proposal
Annex I, point 3., third subparagraph				
1096	Where a breakdown of the final customer's price is presented in bills, the common definitions of the	Where a breakdown of the final customer's price is presented in bills, the common definitions of the	Where a breakdown of the final customer's price is presented in bills, the common definitions of the	Where a breakdown of the final customer's price is presented in bills, the common definitions of the

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	three components in that breakdown established under Regulation (EU) 2016/1552 of the European Parliament and of the Council shall be used throughout the Union.	three components in that breakdown established under Regulation (EU) 2016/1552 of the European Parliament and of the Council shall be used throughout the Union.	three components in that breakdown established under Regulation (EU) 2016/1552 of the European Parliament and of the Council shall be used throughout the Union.	three components in that breakdown established under Regulation (EU) 2016/1552 of the European Parliament and of the Council shall be used throughout the Union. Text Origin: Commission Proposal
Annex I, point 4., first subparagraph				
1097	4. Access to complementary information on historical consumption	4. Access to complementary information on historical consumption	4. Access to complementary information on historical consumption	4. Access to complementary information on historical consumption Text Origin: Commission Proposal
Annex I, point 4., second subparagraph				
1098	Member States shall require that, to the extent that complementary information on historical consumption is available, such information is made available, at the request of the final customer, to the supplier or service provider designated by the final customer.	Member States shall require that, to the extent that complementary information on historical consumption is available, such information is made available, at the request of the final customer, to the supplier or service provider designated by the final customer.	Member States shall require that, to the extent that complementary information on historical consumption is available, such information is made available, at the request of the final customer, to the supplier or service provider designated by the final customer.	Member States shall require that, to the extent that complementary information on historical consumption is available, such information is made available, at the request of the final customer, to the supplier or service provider designated by the final customer. Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex I, point 4., third subparagraph				
1099	Where the final customer has a meter that allows remote reading by the operator installed, the final customer shall have easy access to complementary information on historical consumption allowing detailed self-checks.	Where the final customer has a meter that allows remote reading by the operator installed, the final customer shall have easy access to complementary information on historical consumption allowing detailed self-checks.	Where the final customer has a meter that allows remote reading by the operator installed, the final customer shall have easy access to complementary information on historical consumption allowing detailed self-checks.	Where the final customer has a meter that allows remote reading by the operator installed, the final customer shall have easy access to complementary information on historical consumption allowing detailed self-checks. Text Origin: Commission Proposal
Annex I, point 4., fourth subparagraph				
1100	Complementary information on historical consumption shall include:	Complementary information on historical consumption shall include:	Complementary information on historical consumption shall include:	Complementary information on historical consumption shall include: Text Origin: Commission Proposal
Annex I, point 4., fourth subparagraph, point (a)				
1101	(a) cumulative data for at least the three previous years or the period since the start of the gas supply contract, if that period is shorter. The data shall correspond to the intervals for which frequent billing information has been produced; and	(a) cumulative data for at least the three previous years or the period since the start of the gas supply contract, if that period is shorter. The data shall correspond to the intervals for which frequent billing information has been produced; and	(a) cumulative data for at least the three previous years or the period since the start of the gas supply contract, if that period is shorter. The data shall correspond to the intervals for which frequent billing information has been produced; and	(a) cumulative data for at least the three previous years or the period since the start of the gas supply contract, if that period is shorter. The data shall correspond to the intervals for which frequent billing information has been produced; and

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				Text Origin: Commission Proposal
Annex I, point 4., fourth subparagraph, point (b)				
1102	(b) detailed data according to the time of use for any day, week, month and year, which is made available to the final customer without undue delay via the internet or the meter interface, covering the period of at least the previous 24 months or the period since the start of the gas supply contract, if that period is shorter	(b) detailed data according to the time of use for any day, week, month and year, which is made available to the final customer without undue delay via the internet or the meter interface, covering the period of at least the previous 24 months or the period since the start of the gas supply contract, if that period is shorter	(b) detailed data according to the time of use for any day, week, month and year, which is made available to the final customer without undue delay via the internet or the meter interface, covering the period of at least the previous 24 months or the period since the start of the gas supply contract, if that period is shorter.	(b) detailed data according to the time of use for any day, week, month and year, which is made available to the final customer without undue delay via the internet or the meter interface, covering the period of at least the previous 24 months or the period since the start of the gas supply contract, if that period is shorter Text Origin: Commission Proposal
Annex I, point 5., first subparagraph				
1103	5. Disclosure of energy sources	5. Disclosure of energy sources	5. Disclosure of energy sources	5. Disclosure of energy sources Text Origin: Commission Proposal
Annex I, point 5., second subparagraph				
1104	Suppliers shall specify in bills the share of renewable and separately low carbon gas purchased by the final customer in accordance with	Suppliers shall specify in bills the share of renewable and separately low-carbon gas purchased by the final customer in accordance with	Suppliers shall specify in bills the share of renewable and separately low carbon gas purchased by the final customer in accordance with	Suppliers shall specify in bills the share of renewable and separately ~~low-carbon~~ low-carbon gas purchased by the final customer in

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	the supply contract for gases (product level disclosure). In case of a mixture the supplier shall provide the same information separately for different categories of gases, including renewable or low-carbon gas.	the supply contract for gas (product level disclosure). In case of a mixture the supplier shall provide the same information separately for different categories of gas , including renewable gas or low-carbon gas.	the supply contract for gases (product level disclosure). In case of a mixture the supplier shall provide the same information separately for different categories of gases, including renewable or low-carbon gas.	accordance with the supply contract for gasesgas (product level disclosure). In case of a mixture the supplier shall provide the same information separately for different categories of gasesgas , including renewable gas or low-carbon gas. gas-gases to be solved on technical level Text Origin: EP Mandate
Annex I, point 5., third subparagraph				
1105	The following information shall be made available to final customers in, with, or signposted to within their bills and billing information:	The following information shall be made available to final customers in, with, or signposted to within their bills and billing information:	The following information shall be made available to final customers in, with, or signposted to within their bills and billing information:	The following information shall be made available to final customers in, with, or signposted to within their bills and billing information: Text Origin: Commission Proposal
Annex I, point 5., third subparagraph, point (a)				
1106	(a) the share of renewable and low carbon gases in the mix of the supplier (at national level, namely in the Member State in which the supply contract for gases has been concluded, as well as at the level of the supplier if the supplier is active	(a) the share of renewable gas and low-carbon gas in the mix of the supplier (at national level, namely in the Member State in which the supply contract for gas has been concluded, as well as at the level of the supplier if the supplier is active	(a) the share of renewable and low carbon gases in the mix of the supplier (at national level, namely in the Member State in which the supply contract for gases has been concluded, as well as at the level of the supplier if the supplier is active	(a) the share of renewable gas and low-carbon gas and ~~low-carbon~~ ~~gases~~ in the mix of the supplier (at national level, namely in the Member State in which the supply contract for gasesgas has been concluded, as well as at the level of

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	in several Member States) over the preceding year in a comprehensible and clearly comparable manner;	in several Member States) over the preceding year in a comprehensible and clearly comparable manner;	in several Member States) over the preceding year in a comprehensible and clearly comparable manner;	the supplier if the supplier is active in several Member States) over the preceding year in a comprehensible and clearly comparable manner; gas-gases to be solved on technical level Text Origin: EP Mandate
Annex I, point 5., third subparagraph, point (b)				
1107	(b) information on the environmental impact, in at least terms of CO2 emissions resulting from the gases supplied by the supplier over the preceding year.	(b) information on the environmental impact, in at least terms of CO2 emissions resulting from the gas supplied by the supplier over the preceding year.	(b) information on the environmental impact, in at least terms of CO2 emissions resulting from the gases supplied by the supplier over the preceding year.	(b) information on the environmental impact, in at least terms of CO2 emissions resulting from the gasesgas supplied by the supplier over the preceding year. gas-gases to be solved on technical level Text Origin: EP Mandate
Annex I, point 5., fourth subparagraph				
1108	As regards point (a) of the second subparagraph, with respect to gases obtained via a gas exchange or imported from an undertaking situated outside the Union, aggregate figures provided by the exchange or the undertaking in question over the preceding year	As regards point (a) of the second subparagraph, with respect to gas obtained via a gas exchange or imported from an undertaking situated outside the Union, aggregate figures provided by the exchange or the undertaking in question over the preceding year	As regards point (a) of the second subparagraph, with respect to gases obtained via a gas exchange or imported from an undertaking situated outside the Union, aggregate figures provided by the exchange or the undertaking in question over the preceding year	As regards point (a) of the second subparagraph, with respect to gasesgas obtained via a gas exchange or imported from an undertaking situated outside the Union, aggregate figures provided by the exchange or the undertaking in question over the preceding year

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	may be used.	may be used.	may be used.	gas-gases to be solved on technical level Text Origin: EP Mandate
Annex I, point 5., fifth subparagraph				
1109	The disclosure of the share of renewable gas purchased by the final customers shall be done by using guarantees of origin.	The disclosure of the share of renewable gas purchased by the final customers shall be done by using guarantees of origin <i>in accordance with Article 19 of Directive (EU) 2018/2001 [amended RED]</i> .	The disclosure of the share of renewable gas purchased by the final customers shall be done by using guarantees of origin based on Directive (EU) 2018/2001 . When the customers consumes gas from a hydrogen or natural gas network, it shall be ensured that the GOs cancelled correspond to the relevant network characteristics.	The disclosure of the share of renewable gas purchased by the final customers shall be done by using guarantees of origin <u>based on Directive (EU) 2018/2001</u> . <u>When a customer consumes gas from a hydrogen or natural gas network, including gaseous renewable fuels of non-biological origin and biomethane, as demonstrated in the commercial offer by the supplier, Member States shall ensure that the guarantees of origin that are cancelled correspond to the relevant network characteristics.</u>
Annex I, point 5., sixth subparagraph				
1110	The regulatory authority or another competent national authority shall take the necessary steps to ensure that the information provided by	The regulatory authority or another competent national authority shall take the necessary steps to ensure that the information provided by	The regulatory authority or another competent national authority shall take the necessary steps to ensure that the information provided by	The regulatory authority or another competent national authority shall take the necessary steps to ensure that the information provided by

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	suppliers to final customers pursuant to this point is reliable and is provided at a national level in a clearly comparable manner.	suppliers to final customers pursuant to this point is reliable and is provided at a national level in a clearly comparable manner.	suppliers to final customers pursuant to this point is reliable and is provided at a national level in a clearly comparable manner.	suppliers to final customers pursuant to this point is reliable and is provided at a national level in a clearly comparable manner. Text Origin: Commission Proposal
Annex II				
1111	Annex II	Annex II	Annex II	Annex II Text Origin: Commission Proposal
Annex II, first paragraph				
1112	SMART METERING SYSTEMS IN NATURAL GAS	SMART METERING SYSTEMS IN NATURAL GAS	SMART METERING SYSTEMS IN NATURAL GAS AND HYDROGEN	SMART METERING SYSTEMS IN NATURAL GAS <u>AND HYDROGEN</u> Text Origin: Council Mandate
Annex II, point 1.				
1113	1. Member States shall ensure the deployment of smart metering systems in their territories that may be subject to an economic assessment of all the long-term costs and benefits to the market and the individual consumer or	1. Member States shall ensure <i>that any</i> deployment of smart metering systems in their territories <i>happens only after a positive</i> economic assessment of all the long-term costs and benefits to the market and the individual consumer or	1. Member States shall ensure the deployment of smart metering systems in their territories that may be subject to an economic assessment of all the long-term costs and benefits to the market and the individual consumer or	1. Member States shall ensure ~~the~~ <u>that</u> deployment of smart metering systems in their territories ~~that may be subject to an~~ <u>happens only after a</u> economic assessment of all the long-term costs and benefits to the market and the individual

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	which form of smart metering is economically reasonable and cost-effective and which timeframe is feasible for their distribution.	which form of smart metering is economically reasonable and cost-effective and which timeframe is feasible for their distribution.	which form of smart- metering is economically reasonable and cost-effective and which timeframe is feasible for their distribution.	consumer or which form of smart metering is economically reasonable and cost-effective and which timeframe is feasible for their distribution.
Annex II, point 1a.				
1113a		<i>1a. Such an economic assessment shall take into account network development plans referred to in to Article 51, in particular, paragraph 2, point (c) thereof, on decommissioning of networks.</i>		<u>1a. Such an economic assessment shall take into account network development plans referred to in to Article 51, in particular, paragraph 2, point (c) thereof, on decommissioning of networks.</u> Text Origin: EP Mandate
Annex II, point 2., first subparagraph				
1114	2. Such assessment shall take into consideration the methodology for the cost-benefit analysis and the minimum functionalities for smart metering systems provided for in Commission Recommendation 2012/148/EU ¹ to the extent that they are applicable for natural gas, as well as the best available techniques for ensuring the highest level of cybersecurity and data protection.	2. Such assessment shall take into consideration the methodology for the cost-benefit analysis and the minimum functionalities for smart metering systems provided for in Commission Recommendation 2012/148/EU ¹ to the extent that they are applicable for natural gas, as well as the best available techniques for ensuring the highest level of cybersecurity and data protection.	2. Such assessment shall take into consideration the methodology for the cost-benefit analysis and the minimum functionalities for smart metering systems provided for in Commission Recommendation 2012/148/EU ¹ to the extent that they are applicable for natural gas and hydrogen , as well as the best available techniques for ensuring the highest level of cybersecurity and data protection.	2. Such assessment shall take into consideration the methodology for the cost-benefit analysis and the minimum functionalities for smart metering systems provided for in Commission Recommendation 2012/148/EU ¹ to the extent that they are applicable for natural gas <u>and hydrogen</u> , as well as the best available techniques for ensuring the highest level of cybersecurity and data protection.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. Commission Recommendation 2012/148/EU of 9 March 2012 on preparations for the roll- out of smart metering systems (OJ L 73, 13.3.2012, p. 9).	1. Commission Recommendation 2012/148/EU of 9 March 2012 on preparations for the roll- out of smart metering systems (OJ L 73, 13.3.2012, p. 9).	1. Commission Recommendation 2012/148/EU of 9 March 2012 on preparations for the roll- out of smart metering systems (OJ L 73, 13.3.2012, p. 9).	1. Commission Recommendation 2012/148/EU of 9 March 2012 on preparations for the roll- out of smart metering systems (OJ L 73, 13.3.2012, p. 9). Text Origin: Council Mandate
Annex II, point 2., second subparagraph				
1115	Such assessment shall also duly consider potential synergies with an already rolled-out electricity smart metering infrastructure, or options for selective rollouts to cases that can quickly return net benefits to keep costs in check.	Such assessment shall also duly consider potential synergies with an already rolled-out electricity smart metering infrastructure, or options for selective rollouts to cases that can quickly return net benefits to keep costs in check.	Such assessment shall also duly consider potential synergies with an already rolled-out electricity smart metering infrastructure, or options for selective rollouts to cases that can quickly return net benefits to keep costs in check.	Such assessment shall also duly consider potential synergies with an already rolled-out electricity smart metering infrastructure, or options for selective rollouts to cases that can quickly return net benefits to keep costs in check. Text Origin: Commission Proposal
Annex II, point 3.				
1116	3. Subject to that assessment, Member States, shall prepare a timetable with a target of up to ten years for the deployment of smart metering systems. Where the deployment of smart metering systems is assessed positively, at least 80 % of final customers shall be equipped with smart meters within seven years of the date of	3. Subject to <i>a positive</i> assessment, Member States, shall prepare a timetable with a target of up to ten years for the deployment of smart metering systems. Where the deployment of smart metering systems is assessed positively, at least 80 % of final customers shall be equipped with smart meters within seven years of the date of	3. Subject to that assessment, Member States , shall prepare a timetable with a target of up to ten years for the deployment of- smart metering systems. Where the deployment of smart metering systems is assessed positively, at least 80 % of final customers shall be equipped with smart meters within seven years of the date of	3. Subject to that assessment, Member States, shall prepare a timetable with a target of up to ten years for the deployment of smart metering systems. Where the deployment of smart metering systems is assessed positively, at least 80 % of final customers shall be equipped with smart meters within seven years of the date of

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the positive assessment.	the positive assessment.	the positive assessment.	the positive assessment. Text Origin: Commission Proposal
Annex III				
1117	Annex III	Annex III	Annex III	Annex III Text Origin: Commission Proposal
Annex III, Part I				
1118	Part I Part A	Part I Part A	Part I Part A	Part I Part A Text Origin: Commission Proposal
Annex III, first paragraph				
1119	Repealed Directive with list of the successive amendments thereto (referred to in Article 90)	Repealed Directive with list of the successive amendments thereto (referred to in Article 90)	Repealed Directive with list of the successive amendments thereto (referred to in Article 90)	Repealed Directive with list of the successive amendments thereto (referred to in Article 90) Text Origin: Commission Proposal
Annex III, Table 1, Column 1, Row 1				
1120	Directive 2009/73/EC of the	Directive 2009/73/EC of the	Directive 2009/73/EC of the	Directive 2009/73/EC of the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	European Parliament and of the Council (OJ L 211, 14.8.2009, p. 94)	European Parliament and of the Council (OJ L 211, 14.8.2009, p. 94)	European Parliament and of the Council (OJ L 211, 14.8.2009, p. 94)	European Parliament and of the Council (OJ L 211, 14.8.2009, p. 94) Text Origin: Commission Proposal
Annex III, Table 1, Column 1, Row 2				
1121	Regulation (EU) 2018/1999 of the European Parliament and of the Council (OJ L 328, 21.12.2018, p. 1)	Regulation (EU) 2018/1999 of the European Parliament and of the Council (OJ L 328, 21.12.2018, p. 1)	Regulation (EU) 2018/1999 of the European Parliament and of the Council (OJ L 328, 21.12.2018, p. 1)	Regulation (EU) 2018/1999 of the European Parliament and of the Council (OJ L 328, 21.12.2018, p. 1) Text Origin: Commission Proposal
Annex III, Table 1, Column 1, Row 3				
1122	Directive (EU) 2019/692 of the European Parliament and of the Council (OJ L 117, 3.5.2019, p. 1)	Directive (EU) 2019/692 of the European Parliament and of the Council (OJ L 117, 3.5.2019, p. 1)	Directive (EU) 2019/692 of the European Parliament and of the Council (OJ L 117, 3.5.2019, p. 1)	Directive (EU) 2019/692 of the European Parliament and of the Council (OJ L 117, 3.5.2019, p. 1) Text Origin: Commission Proposal
Annex III, Table 1, Column 2, Row 2				
1124	Only Article 51	Only Article 51	Only Article 51	Only Article 51 Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Annex III, Part II			
G 1126	Part II Part B	Part II Part B	Part II Part B	Part II Part B Text Origin: Commission Proposal
	Annex III, second paragraph			
G 1127	Time-limits for transposition into national law and date of application	Time-limits for transposition into national law and date of application	Time-limits for transposition into national law and date of application	Time-limits for transposition into national law and date of application Text Origin: Commission Proposal
	Annex III, third paragraph			
G 1128	(referred to in Article 90)	(referred to in Article 90)	(referred to in Article 90)	(referred to in Article 90) Text Origin: Commission Proposal
	Annex III, Table 2, Column 1, Row 1			
G 1129	Directive	Directive	Directive	Directive Text Origin: Commission Proposal
	Annex III, Table 2, Column 1, Row 2			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1130	Directive 2009/73/EC	Directive 2009/73/EC	Directive 2009/73/EC	Directive 2009/73/EC Text Origin: Commission Proposal
Annex III, Table 2, Column 1, Row 3				
1131	Directive (EU) 2019/692	Directive (EU) 2019/692	Directive (EU) 2019/692	Directive (EU) 2019/692 Text Origin: Commission Proposal
Annex III, Table 2, Column 2, Row 1				
1132	Time-limit for transposition	Time-limit for transposition	Time-limit for transposition	Time-limit for transposition Text Origin: Commission Proposal
Annex III, Table 2, Column 2, Row 2				
1133	3 March 2011	3 March 2011	3 March 2011	3 March 2011 Text Origin: Commission Proposal
Annex III, Table 2, Column 2, Row 3				
1134	24 February 2020	24 February 2020	24 February 2020	24 February 2020 Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Annex III, Table 2, Column 3, Row 1			
G 1135	Date of application	Date of application	Date of application	Date of application Text Origin: Commission Proposal
	Annex III, Table 2, Column 3, Row 2			
G 1136	3 March 2011, except as regards Article 11 3 March 2013 as regards Article 11	3 March 2011, except as regards Article 11 3 March 2013 as regards Article 11	3 March 2011, except as regards Article 11 3 March 2013 as regards Article 11	3 March 2011, except as regards Article 11 3 March 2013 as regards Article 11 Text Origin: Commission Proposal
	Annex IV			
G 1138	Annex IV	Annex IV	Annex IV	
	Annex IV, first paragraph			
G 1139	CORRELATION TABLE	CORRELATION TABLE	CORRELATION TABLE	
	Annex IV, Table 4, Column 1, Row 1			
G 1140	Directive 2009/73/EC	Directive 2009/73/EC	Directive 2009/73/EC	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
Annex IV, Table 4, Column 1, Row 2					
G	1141	Article 1(1)	Article 1(1)	Article 1(1)	G
Annex IV, Table 4, Column 1, Row 3					
G	1142	Article 1(2)	Article 1(2)	Article 1(2)	G
Annex IV, Table 4, Column 1, Row 4					
G	1143	-	-	-	G
Annex IV, Table 4, Column 1, Row 5					
G	1144	Article 2, introductory wording	Article 2, introductory wording	Article 2, introductory wording	G
Annex IV, Table 4, Column 1, Row 6					
G	1145	-	-	-	G
Annex IV, Table 4, Column 1, Row 7					
G	1146	Article 2, point 1	Article 2, point 1	Article 2, point 1	G
Annex IV, Table 4, Column 1, Row 8					
G	1147	Article 2, point 2	Article 2, point 2	Article 2, point 2	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
Annex IV, Table 4, Column 1, Row 9					
G	1148	Article 2, point 3	Article 2, point 3	Article 2, point 3	G
Annex IV, Table 4, Column 1, Row 10					
G	1149	Article 2, point 4	Article 2, point 4	Article 2, point 4	G
Annex IV, Table 4, Column 1, Row 11					
G	1150	Article 2, point 5	Article 2, point 5	Article 2, point 5	G
Annex IV, Table 4, Column 1, Row 12					
G	1151	Article 2, point 6	Article 2, point 6	Article 2, point 6	G
Annex IV, Table 4, Column 1, Row 13					
G	1152	-	-	-	G
Annex IV, Table 4, Column 1, Row 14					
G	1153	Article 2, point 7	Article 2, point 7	Article 2, point 7	G
Annex IV, Table 4, Column 1, Row 15					
G	1154	Article 2, point 8	Article 2, point 8	Article 2, point 8	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
Annex IV, Table 4, Column 1, Row 16					
G	1155	Article 2, point 9	Article 2, point 9	Article 2, point 9	G
Annex IV, Table 4, Column 1, Row 17					
G	1156	Article 2, point 10	Article 2, point 10	Article 2, point 10	G
Annex IV, Table 4, Column 1, Row 18					
G	1157	Article 2, point 11	Article 2, point 11	Article 2, point 11	G
Annex IV, Table 4, Column 1, Row 19					
G	1158	Article 2, point 12	Article 2, point 12	Article 2, point 12	G
Annex IV, Table 4, Column 1, Row 20					
G	1159	Article 2, point 13	Article 2, point 13	Article 2, point 13	G
Annex IV, Table 4, Column 1, Row 21					
G	1160	Article 2, point 14	Article 2, point 14	Article 2, point 14	G
Annex IV, Table 4, Column 1, Row 22					
G	1161	Article 2, point 15	Article 2, point 15	Article 2, point 15	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
Annex IV, Table 4, Column 1, Row 23					
G	1162	Article 2, point 16	Article 2, point 16	Article 2, point 16	G
Annex IV, Table 4, Column 1, Row 24					
G	1163	Article 2, point 17	Article 2, point 17	Article 2, point 17	G
Annex IV, Table 4, Column 1, Row 25					
G	1164	-	-	-	G
Annex IV, Table 4, Column 1, Row 26					
G	1165	Article 2, point 18	Article 2, point 18	Article 2, point 18	G
Annex IV, Table 4, Column 1, Row 27					
G	1166	Article 2, point 19	Article 2, point 19	Article 2, point 19	G
Annex IV, Table 4, Column 1, Row 28					
G	1167	Article 2, point 20	Article 2, point 20	Article 2, point 20	G
Annex IV, Table 4, Column 1, Row 29					
G	1168	Article 2, point 21	Article 2, point 21	Article 2, point 21	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
Annex IV, Table 4, Column 1, Row 30					
G	1169	Article 2, point 22	Article 2, point 22	Article 2, point 22	G
Annex IV, Table 4, Column 1, Row 31					
G	1170	Article 2, point 23	Article 2, point 23	Article 2, point 23	G
Annex IV, Table 4, Column 1, Row 32					
G	1171	Article 2, point 24	Article 2, point 24	Article 2, point 24	G
Annex IV, Table 4, Column 1, Row 33					
G	1172	Article 2, point 25	Article 2, point 25	Article 2, point 25	G
Annex IV, Table 4, Column 1, Row 34					
G	1173	Article 2, point 26	Article 2, point 26	Article 2, point 26	G
Annex IV, Table 4, Column 1, Row 35					
G	1174	Article 2, point 27	Article 2, point 27	Article 2, point 27	G
Annex IV, Table 4, Column 1, Row 36					
G	1175	Article 2, point 28	Article 2, point 28	Article 2, point 28	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Annex IV, Table 4, Column 1, Row 37			
1176	-	-	-	
	Annex IV, Table 4, Column 1, Row 38			
1177	Article 2, point 32	Article 2, point 32	Article 2, point 32	
	Annex IV, Table 4, Column 1, Row 39			
1178	Article 2, point 34	Article 2, point 34	Article 2, point 34	
	Annex IV, Table 4, Column 1, Row 40			
1179	Article 2, point 35	Article 2, point 35	Article 2, point 35	
	Annex IV, Table 4, Column 1, Row 41			
1180	Article 2, point 36	Article 2, point 36	Article 2, point 36	
	Annex IV, Table 4, Column 1, Row 42			
1181	-	-	-	
	Annex IV, Table 4, Column 1, Row 43			
1182	Article 37	Article 37	Article 37	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Annex IV, Table 4, Column 1, Row 44			
G	1183	-	-	G
	Annex IV, Table 4, Column 1, Row 45			
G	1184	Article 3	Article 3	G
	Annex IV, Table 4, Column 1, Row 46			
G	1185	-	-	G
	Annex IV, Table 4, Column 1, Row 47			
G	1186	Article 5 (11)	Article 5 (11)	G
	Annex IV, Table 4, Column 1, Row 48			
G	1187	Article 7	Article 7	G
	Annex IV, Table 4, Column 1, Row 49			
G	1188	Article 4 (1)	Article 4 (1)	G
	Annex IV, Table 4, Column 1, Row 50			
G	1189	-	-	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
Annex IV, Table 4, Column 1, Row 51					
G	1190	Article 4 (2)	Article 4 (2)	Article 4 (2)	G
Annex IV, Table 4, Column 1, Row 52					
G	1191	-	-	-	G
Annex IV, Table 4, Column 1, Row 53					
G	1192	-	-	-	G
Annex IV, Table 4, Column 1, Row 54					
G	1193	Article 4 (3)	Article 4 (3)	Article 4 (3)	G
Annex IV, Table 4, Column 1, Row 55					
G	1194	Article 4 (4)	Article 4 (4)	Article 4 (4)	G
Annex IV, Table 4, Column 1, Row 56					
G	1195	-	-	-	G
Annex IV, Table 4, Column 1, Row 57					
G	1196	Article 8	Article 8	Article 8	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex IV, Table 4, Column 1, Row 58				
G 1197	-	-	-	G
Annex IV, Table 4, Column 1, Row 59				
G 1198	-	-	-	G
Annex IV, Table 4, Column 1, Row 60				
G 1199	-	-	-	G
Annex IV, Table 4, Column 1, Row 61				
G 1200	-	-	-	G
Annex IV, Table 4, Column 1, Row 62				
G 1201	-	-	-	G
Annex IV, Table 4, Column 1, Row 63				
G 1202	-	-	-	G
Annex IV, Table 4, Column 1, Row 64				
G 1203	-	-	-	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex IV, Table 4, Column 1, Row 65				
G 1204	-	-	-	G
Annex IV, Table 4, Column 1, Row 66				
G 1205	-	-	-	G
Annex IV, Table 4, Column 1, Row 67				
G 1206	-	-	-	G
Annex IV, Table 4, Column 1, Row 68				
G 1207	-	-	-	G
Annex IV, Table 4, Column 1, Row 69				
G 1208	-	-	-	G
Annex IV, Table 4, Column 1, Row 70				
G 1209	-	-	-	G
Annex IV, Table 4, Column 1, Row 71				
G 1210	-	-	-	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
	Annex IV, Table 4, Column 1, Row 72				
G	1211	-	-	-	G
	Annex IV, Table 4, Column 1, Row 73				
G	1212	-	-	-	G
	Annex IV, Table 4, Column 1, Row 74				
G	1213	-	-	-	G
	Annex IV, Table 4, Column 1, Row 75				
G	1214	Article 32	Article 32	Article 32	G
	Annex IV, Table 4, Column 1, Row 76				
G	1215	-	-	-	G
	Annex IV, Table 4, Column 1, Row 77				
G	1216	Article 34	Article 34	Article 34	G
	Annex IV, Table 4, Column 1, Row 78				
G	1217	Article 33	Article 33	Article 33	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
	Annex IV, Table 4, Column 1, Row 79				
G	1218	Article 38	Article 38	Article 38	G
	Annex IV, Table 4, Column 1, Row 80				
G	1219	-	-	-	G
	Annex IV, Table 4, Column 1, Row 81				
G	1220	-	-	-	G
	Annex IV, Table 4, Column 1, Row 82				
G	1221	-	-	-	G
	Annex IV, Table 4, Column 1, Row 83				
G	1222	Article 35	Article 35	Article 35	G
	Annex IV, Table 4, Column 1, Row 84				
G	1223	-	-	-	G
	Annex IV, Table 4, Column 1, Row 85				
G	1224	Article 13 (1) to (2)	Article 13 (1) to (2)	Article 13 (1) to (2)	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
	Annex IV, Table 4, Column 1, Row 86				
G	1225	-	-	-	G
	Annex IV, Table 4, Column 1, Row 87				
G	1226	Article 13 (3)	Article 13 (3)	Article 13 (3)	G
	Annex IV, Table 4, Column 1, Row 88				
G	1227	-	-	-	G
	Annex IV, Table 4, Column 1, Row 89				
G	1228	Article 13 (5)	Article 13 (5)	Article 13 (5)	G
	Annex IV, Table 4, Column 1, Row 90				
G	1229	Article 16	Article 16	Article 16	G
	Annex IV, Table 4, Column 1, Row 91				
G	1230	-	-	-	G
	Annex IV, Table 4, Column 1, Row 92				
G	1231	Article 23	Article 23	Article 23	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
	Annex IV, Table 4, Column 1, Row 93				
G	1232	Article 24	Article 24	Article 24	G
	Annex IV, Table 4, Column 1, Row 94				
G	1233	Article 25(1)	Article 25(1)	Article 25(1)	G
	Annex IV, Table 4, Column 1, Row 95				
G	1234	-	-	-	G
	Annex IV, Table 4, Column 1, Row 96				
G	1235	Article 25(2)	Article 25(2)	Article 25(2)	G
	Annex IV, Table 4, Column 1, Row 97				
G	1236	Article 25(3)	Article 25(3)	Article 25(3)	G
	Annex IV, Table 4, Column 1, Row 98				
G	1237	Article 25(4)	Article 25(4)	Article 25(4)	G
	Annex IV, Table 4, Column 1, Row 99				
G	1238	Article 25(5)	Article 25(5)	Article 25(5)	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex IV, Table 4, Column 1, Row 100				
1239	-	-	-	
Annex IV, Table 4, Column 1, Row 101				
1240	-	-	-	
Annex IV, Table 4, Column 1, Row 102				
1241	Article 26	Article 26	Article 26	
Annex IV, Table 4, Column 1, Row 103				
1242	Article 27	Article 27	Article 27	
Annex IV, Table 4, Column 1, Row 104				
1243	Article 28 (1) to (4)	Article 28 (1) to (4)	Article 28 (1) to (4)	
Annex IV, Table 4, Column 1, Row 105				
1244	-	-	-	
Annex IV, Table 4, Column 1, Row 106				
1245	Article 29	Article 29	Article 29	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Annex IV, Table 4, Column 1, Row 107			
G	1246	—	—	G
	Annex IV, Table 4, Column 1, Row 108			
G	1247	-	-	G
	Annex IV, Table 4, Column 1, Row 109			
G	1248	-	-	G
	Annex IV, Table 4, Column 1, Row 110			
G	1249	-	-	G
	Annex IV, Table 4, Column 1, Row 111			
G	1250	-	-	G
	Annex IV, Table 4, Column 1, Row 112			
G	1251	Article 22	Article 22	G
	Annex IV, Table 4, Column 1, Row 113			
G	1252	-	-	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Annex IV, Table 4, Column 1, Row 114			
1253	-	-	-	
	Annex IV, Table 4, Column 1, Row 115			
1254	Article 9	Article 9	Article 9	
	Annex IV, Table 4, Column 1, Row 116			
1255	Article 14	Article 14	Article 14	
	Annex IV, Table 4, Column 1, Row 117			
1256	Article 15	Article 15	Article 15	
	Annex IV, Table 4, Column 1, Row 118			
1257	Article 17	Article 17	Article 17	
	Annex IV, Table 4, Column 1, Row 119			
1258	Article 18 (1) to (10)	Article 18 (1) to (10)	Article 18 (1) to (10)	
	Annex IV, Table 4, Column 1, Row 120			
1259	-	-	-	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
Annex IV, Table 4, Column 1, Row 121					
G	1260	Article 19	Article 19	Article 19	G
Annex IV, Table 4, Column 1, Row 122					
G	1261	Article 20	Article 20	Article 20	G
Annex IV, Table 4, Column 1, Row 123					
G	1262	Article 21	Article 21	Article 21	G
Annex IV, Table 4, Column 1, Row 124					
G	1263	-	-	-	G
Annex IV, Table 4, Column 1, Row 125					
G	1264	-	-	-	G
Annex IV, Table 4, Column 1, Row 126					
G	1265	-	-	-	G
Annex IV, Table 4, Column 1, Row 127					
G	1266	Article 10	Article 10	Article 10	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
Annex IV, Table 4, Column 1, Row 128					
G	1267	Article 11	Article 11	Article 11	G
Annex IV, Table 4, Column 1, Row 129					
G	1268	Article 12	Article 12	Article 12	G
Annex IV, Table 4, Column 1, Row 130					
G	1269	Article 30	Article 30	Article 30	G
Annex IV, Table 4, Column 1, Row 131					
G	1270	Article 31	Article 31	Article 31	G
Annex IV, Table 4, Column 1, Row 132					
G	1271	Article 39	Article 39	Article 39	G
Annex IV, Table 4, Column 1, Row 133					
G	1272	-	-	-	G
Annex IV, Table 4, Column 1, Row 134					
G	1273	Article 40	Article 40	Article 40	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
	Annex IV, Table 4, Column 1, Row 135				
G	1274	Article 41	Article 41	Article 41	G
	Annex IV, Table 4, Column 1, Row 136				
G	1275	-	-	-	G
	Annex IV, Table 4, Column 1, Row 137				
G	1276	Article 41(5) to (9)	Article 41(5) to (9)	Article 41(5) to (9)	G
	Annex IV, Table 4, Column 1, Row 138				
G	1277	Article 41 (10) to (17)	Article 41 (10) to (17)	Article 41 (10) to (17)	G
	Annex IV, Table 4, Column 1, Row 139				
G	1278	Article 42 (1) to (4)	Article 42 (1) to (4)	Article 42 (1) to (4)	G
	Annex IV, Table 4, Column 1, Row 140				
G	1279	-	-	-	G
	Annex IV, Table 4, Column 1, Row 141				
G	1280	Article 42 (6)	Article 42 (6)	Article 42 (6)	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
Annex IV, Table 4, Column 1, Row 142					
G	1281	Article 43	Article 43	Article 43	G
Annex IV, Table 4, Column 1, Row 143					
G	1282	Article 44	Article 44	Article 44	G
Annex IV, Table 4, Column 1, Row 144					
G	1283	Article 46	Article 46	Article 46	G
Annex IV, Table 4, Column 1, Row 145					
G	1284	Article 47	Article 47	Article 47	G
Annex IV, Table 4, Column 1, Row 146					
G	1285	Article 48a	Article 48a	Article 48a	G
Annex IV, Table 4, Column 1, Row 147					
G	1286	-	-	-	G
Annex IV, Table 4, Column 1, Row 148					
G	1287	Article 49a	Article 49a	Article 49a	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
Annex IV, Table 4, Column 1, Row 149					
G	1288	Article 49b	Article 49b	Article 49b	G
Annex IV, Table 4, Column 1, Row 150					
G	1289	-	-	-	G
Annex IV, Table 4, Column 1, Row 151					
G	1290	-	-	-	G
Annex IV, Table 4, Column 1, Row 152					
G	1291	-	-	-	G
Annex IV, Table 4, Column 1, Row 153					
G	1292	-	-	-	G
Annex IV, Table 4, Column 1, Row 154					
G	1293	Article 54	Article 54	Article 54	G
Annex IV, Table 4, Column 1, Row 155					
G	1294	Article 53	Article 53	Article 53	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
Annex IV, Table 4, Column 1, Row 156					
G	1295	Article 55	Article 55	Article 55	G
Annex IV, Table 4, Column 1, Row 157					
G	1296	Article 56	Article 56	Article 56	G
Annex IV, Table 4, Column 1, Row 158					
G	1297	Annex I	Annex I	Annex I	G
Annex IV, Table 4, Column 1, Row 159					
G	1298	-	-	-	G
Annex IV, Table 4, Column 1, Row 160					
G	1299	-	-	-	G
Annex IV, Table 4, Column 1, Row 161					
G	1300	Annex II	Annex II	Annex II	G
Annex IV, Table 4, Column 2, Row 1					
G	1301	This Directive	This Directive	This Directive	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
	Annex IV, Table 4, Column 2, Row 2				
G	1302	Article 1(1)	Article 1(1)	Article 1(1)	G
	Annex IV, Table 4, Column 2, Row 3				
G	1303	-	-	-	G
	Annex IV, Table 4, Column 2, Row 4				
G	1304	Article 1(2), (3) and (4)	Article 1(2), (3) and (4)	Article 1(2), (3) and (4)	G
	Annex IV, Table 4, Column 2, Row 5				
G	1305	Article 2, introductory wording	Article 2, introductory wording	Article 2, introductory wording	G
	Annex IV, Table 4, Column 2, Row 6				
G	1306	Article 2, points 1 to 13	Article 2, points 1 to 13	Article 2, points 1 to 13	G
	Annex IV, Table 4, Column 2, Row 7				
G	1307	Article 2, point 14	Article 2, point 14	Article 2, point 14	G
	Annex IV, Table 4, Column 2, Row 8				
G	1308	Article 2, point 15	Article 2, point 15	Article 2, point 15	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
Annex IV, Table 4, Column 2, Row 9					
G	1309	Article 2, point 16	Article 2, point 16	Article 2, point 16	G
Annex IV, Table 4, Column 2, Row 10					
G	1310	Article 2, point 17	Article 2, point 17	Article 2, point 17	G
Annex IV, Table 4, Column 2, Row 11					
G	1311	Article 2, point 18	Article 2, point 18	Article 2, point 18	G
Annex IV, Table 4, Column 2, Row 12					
G	1312	Article 2, point 19	Article 2, point 19	Article 2, point 19	G
Annex IV, Table 4, Column 2, Row 13					
G	1313	Article 2, point 20 to 22	Article 2, point 20 to 22	Article 2, point 20 to 22	G
Annex IV, Table 4, Column 2, Row 14					
G	1314	Article 2, point 23	Article 2, point 23	Article 2, point 23	G
Annex IV, Table 4, Column 2, Row 15					
G	1315	Article 2, point 24	Article 2, point 24	Article 2, point 24	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
Annex IV, Table 4, Column 2, Row 16					
G	1316	Article 2, point 252	Article 2, point 252	Article 2, point 252	G
Annex IV, Table 4, Column 2, Row 17					
G	1317	Article 2, point 26	Article 2, point 26	Article 2, point 26	G
Annex IV, Table 4, Column 2, Row 18					
G	1318	Article 2, point 27	Article 2, point 27	Article 2, point 27	G
Annex IV, Table 4, Column 2, Row 19					
G	1319	Article 2, point 28	Article 2, point 28	Article 2, point 28	G
Annex IV, Table 4, Column 2, Row 20					
G	1320	Article 2, point 29	Article 2, point 29	Article 2, point 29	G
Annex IV, Table 4, Column 2, Row 21					
G	1321	Article 2, point 30	Article 2, point 30	Article 2, point 30	G
Annex IV, Table 4, Column 2, Row 22					
G	1322	Article 2, point 31	Article 2, point 31	Article 2, point 31	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
	Annex IV, Table 4, Column 2, Row 23				
G	1323	Article 2, point 32	Article 2, point 32	Article 2, point 32	G
	Annex IV, Table 4, Column 2, Row 24				
G	1324	Article 2, point 33	Article 2, point 33	Article 2, point 33	G
	Annex IV, Table 4, Column 2, Row 25				
G	1325	Article 2, point 34	Article 2, point 34	Article 2, point 34	G
	Annex IV, Table 4, Column 2, Row 26				
G	1326	Article 2, point 35	Article 2, point 35	Article 2, point 35	G
	Annex IV, Table 4, Column 2, Row 27				
G	1327	Article 2, point 36	Article 2, point 36	Article 2, point 36	G
	Annex IV, Table 4, Column 2, Row 28				
G	1328	Article 2, point 37	Article 2, point 37	Article 2, point 37	G
	Annex IV, Table 4, Column 2, Row 29				
G	1329	Article 2, point 38	Article 2, point 38	Article 2, point 38	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
	Annex IV, Table 4, Column 2, Row 30				
G	1330	Article 2, point 39	Article 2, point 39	Article 2, point 39	G
	Annex IV, Table 4, Column 2, Row 31				
G	1331	Article 2, point 40	Article 2, point 40	Article 2, point 40	G
	Annex IV, Table 4, Column 2, Row 32				
G	1332	Article 2, point 41	Article 2, point 41	Article 2, point 41	G
	Annex IV, Table 4, Column 2, Row 33				
G	1333	Article 2, point 42	Article 2, point 42	Article 2, point 42	G
	Annex IV, Table 4, Column 2, Row 34				
G	1334	Article 2, point 43	Article 2, point 43	Article 2, point 43	G
	Annex IV, Table 4, Column 2, Row 35				
G	1335	Article 2, point 44	Article 2, point 44	Article 2, point 44	G
	Annex IV, Table 4, Column 2, Row 36				
G	1336	Article 2, point 45	Article 2, point 45	Article 2, point 45	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
Annex IV, Table 4, Column 2, Row 37					
G	1337	Article 2, point 46 to 47	Article 2, point 46 to 47	Article 2, point 46 to 47	G
Annex IV, Table 4, Column 2, Row 38					
G	1338	Article 2, point 48	Article 2, point 48	Article 2, point 48	G
Annex IV, Table 4, Column 2, Row 39					
G	1339	Article 2, point 49	Article 2, point 49	Article 2, point 49	G
Annex IV, Table 4, Column 2, Row 40					
G	1340	Article 2, point 50	Article 2, point 50	Article 2, point 50	G
Annex IV, Table 4, Column 2, Row 41					
G	1341	Article 2, point 51	Article 2, point 51	Article 2, point 51	G
Annex IV, Table 4, Column 2, Row 42					
G	1342	Article 2, point 52 to 71	Article 2, point 52 to 71	Article 2, point 52 to 71	G
Annex IV, Table 4, Column 2, Row 43					
G	1343	Article 3	Article 3	Article 3	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
Annex IV, Table 4, Column 2, Row 44					
G	1344	Article 4	Article 4	Article 4	G
Annex IV, Table 4, Column 2, Row 45					
G	1345	Article 5 (1) and (2)	Article 5 (1) and (2)	Article 5 (1) and (2)	G
Annex IV, Table 4, Column 2, Row 46					
G	1346	Article 5 (3) and (4)	Article 5 (3) and (4)	Article 5 (3) and (4)	G
Annex IV, Table 4, Column 2, Row 47					
G	1347	Article 5 (5)	Article 5 (5)	Article 5 (5)	G
Annex IV, Table 4, Column 2, Row 48					
G	1348	Article 6	Article 6	Article 6	G
Annex IV, Table 4, Column 2, Row 49					
G	1349	Article 7 (1)	Article 7 (1)	Article 7 (1)	G
Annex IV, Table 4, Column 2, Row 50					
G	1350	Article 7 (2)	Article 7 (2)	Article 7 (2)	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
	Annex IV, Table 4, Column 2, Row 51				
G	1351	Article 7 (3)	Article 7 (3)	Article 7 (3)	G
	Annex IV, Table 4, Column 2, Row 52				
G	1352	Article 7 (4)	Article 7 (4)	Article 7 (4)	G
	Annex IV, Table 4, Column 2, Row 53				
G	1353	Article 7 (5) to (9)	Article 7 (5) to (9)	Article 7 (5) to (9)	G
	Annex IV, Table 4, Column 2, Row 54				
G	1354	Article 7 (10)	Article 7 (10)	Article 7 (10)	G
	Annex IV, Table 4, Column 2, Row 55				
G	1355	Article 7 (11)	Article 7 (11)	Article 7 (11)	G
	Annex IV, Table 4, Column 2, Row 56				
G	1356	Article 8	Article 8	Article 8	G
	Annex IV, Table 4, Column 2, Row 57				
G	1357	Article 9	Article 9	Article 9	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
Annex IV, Table 4, Column 2, Row 58					
G	1358	Article 10	Article 10	Article 10	G
Annex IV, Table 4, Column 2, Row 59					
G	1359	Article 11	Article 11	Article 11	G
Annex IV, Table 4, Column 2, Row 60					
G	1360	Article 12	Article 12	Article 12	G
Annex IV, Table 4, Column 2, Row 61					
G	1361	Article 13	Article 13	Article 13	G
Annex IV, Table 4, Column 2, Row 62					
G	1362	Article 14	Article 14	Article 14	G
Annex IV, Table 4, Column 2, Row 63					
G	1363	Article 15	Article 15	Article 15	G
Annex IV, Table 4, Column 2, Row 64					
G	1364	Article 16	Article 16	Article 16	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
Annex IV, Table 4, Column 2, Row 65					
G	1365	Article 17	Article 17	Article 17	G
Annex IV, Table 4, Column 2, Row 66					
G	1366	Article 18	Article 18	Article 18	G
Annex IV, Table 4, Column 2, Row 67					
G	1367	Article 19	Article 19	Article 19	G
Annex IV, Table 4, Column 2, Row 68					
G	1368	Article 20	Article 20	Article 20	G
Annex IV, Table 4, Column 2, Row 69					
G	1369	Article 21	Article 21	Article 21	G
Annex IV, Table 4, Column 2, Row 70					
G	1370	Article 22	Article 22	Article 22	G
Annex IV, Table 4, Column 2, Row 71					
G	1371	Article 23	Article 23	Article 23	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
Annex IV, Table 4, Column 2, Row 72					
G	1372	Article 24	Article 24	Article 24	G
Annex IV, Table 4, Column 2, Row 73					
G	1373	Article 25	Article 25	Article 25	G
Annex IV, Table 4, Column 2, Row 74					
G	1374	Article 26	Article 26	Article 26	G
Annex IV, Table 4, Column 2, Row 75					
G	1375	Article 27	Article 27	Article 27	G
Annex IV, Table 4, Column 2, Row 76					
G	1376	Article 27(3)	Article 27(3)	Article 27(3)	G
Annex IV, Table 4, Column 2, Row 77					
G	1377	Article 28	Article 28	Article 28	G
Annex IV, Table 4, Column 2, Row 78					
G	1378	Article 29	Article 29	Article 29	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
Annex IV, Table 4, Column 2, Row 79					
G	1379	Article 30	Article 30	Article 30	G
Annex IV, Table 4, Column 2, Row 80					
G	1380	Article 31	Article 31	Article 31	G
Annex IV, Table 4, Column 2, Row 81					
G	1381	Article 32	Article 32	Article 32	G
Annex IV, Table 4, Column 2, Row 82					
G	1382	Article 33	Article 33	Article 33	G
Annex IV, Table 4, Column 2, Row 83					
G	1383	Article 34	Article 34	Article 34	G
Annex IV, Table 4, Column 2, Row 84					
G	1384	Article 34 (3)	Article 34 (3)	Article 34 (3)	G
Annex IV, Table 4, Column 2, Row 85					
G	1385	Article 35 (1) to (2)	Article 35 (1) to (2)	Article 35 (1) to (2)	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
Annex IV, Table 4, Column 2, Row 86					
G	1386	Article 35 (3) to (4)	Article 35 (3) to (4)	Article 35 (3) to (4)	G
Annex IV, Table 4, Column 2, Row 87					
G	1387	Article 35 (5)	Article 35 (5)	Article 35 (5)	G
Annex IV, Table 4, Column 2, Row 88					
G	1388	Article 35 (7) to (9)	Article 35 (7) to (9)	Article 35 (7) to (9)	G
Annex IV, Table 4, Column 2, Row 89					
G	1389	Article 35 (10)	Article 35 (10)	Article 35 (10)	G
Annex IV, Table 4, Column 2, Row 90					
G	1390	Article 36	Article 36	Article 36	G
Annex IV, Table 4, Column 2, Row 91					
G	1391	Article 37	Article 37	Article 37	G
Annex IV, Table 4, Column 2, Row 92					
G	1392	Article 38	Article 38	Article 38	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
	Annex IV, Table 4, Column 2, Row 93				
G	1393	Article 39	Article 39	Article 39	G
	Annex IV, Table 4, Column 2, Row 94				
G	1394	Article 40 (1)	Article 40 (1)	Article 40 (1)	G
	Annex IV, Table 4, Column 2, Row 95				
G	1395	Article 40 (2)	Article 40 (2)	Article 40 (2)	G
	Annex IV, Table 4, Column 2, Row 96				
G	1396	Article 40 (3)	Article 40 (3)	Article 40 (3)	G
	Annex IV, Table 4, Column 2, Row 97				
G	1397	Article 40 (4)	Article 40 (4)	Article 40 (4)	G
	Annex IV, Table 4, Column 2, Row 98				
G	1398	Article 40 (5)	Article 40 (5)	Article 40 (5)	G
	Annex IV, Table 4, Column 2, Row 99				
G	1399	Article 40 (6)	Article 40 (6)	Article 40 (6)	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
Annex IV, Table 4, Column 2, Row 100					
G	1400	Article 40 (7) to (9)	Article 40 (7) to (9)	Article 40 (7) to (9)	G
Annex IV, Table 4, Column 2, Row 101					
G	1401	Article 41	Article 41	Article 41	G
Annex IV, Table 4, Column 2, Row 102					
G	1402	Article 42	Article 42	Article 42	G
Annex IV, Table 4, Column 2, Row 103					
G	1403	Article 43	Article 43	Article 43	G
Annex IV, Table 4, Column 2, Row 104					
G	1404	Article 44 (1) to (4)	Article 44 (1) to (4)	Article 44 (1) to (4)	G
Annex IV, Table 4, Column 2, Row 105					
G	1405	Article 44 (5)	Article 44 (5)	Article 44 (5)	G
Annex IV, Table 4, Column 2, Row 106					
G	1406	Article 45	Article 45	Article 45	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
Annex IV, Table 4, Column 2, Row 107					
G	1407	Article 46	Article 46	Article 46	G
Annex IV, Table 4, Column 2, Row 108					
G	1408	Article 47	Article 47	Article 47	G
Annex IV, Table 4, Column 2, Row 109					
G	1409	Article 48	Article 48	Article 48	G
Annex IV, Table 4, Column 2, Row 110					
G	1410	Article 49	Article 49	Article 49	G
Annex IV, Table 4, Column 2, Row 111					
G	1411	Article 50	Article 50	Article 50	G
Annex IV, Table 4, Column 2, Row 112					
G	1412	Article 51	Article 51	Article 51	G
Annex IV, Table 4, Column 2, Row 113					
G	1413	Article 52	Article 52	Article 52	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
	Annex IV, Table 4, Column 2, Row 114				
G	1414	Article 53	Article 53	Article 53	G
	Annex IV, Table 4, Column 2, Row 115				
G	1415	Article 54	Article 54	Article 54	G
	Annex IV, Table 4, Column 2, Row 116				
G	1416	Article 55	Article 55	Article 55	G
	Annex IV, Table 4, Column 2, Row 117				
G	1417	Article 56	Article 56	Article 56	G
	Annex IV, Table 4, Column 2, Row 118				
G	1418	Article 57	Article 57	Article 57	G
	Annex IV, Table 4, Column 2, Row 119				
G	1419	Article 58 (1) to (10)	Article 58 (1) to (10)	Article 58 (1) to (10)	G
	Annex IV, Table 4, Column 2, Row 120				
G	1420	Article 58 (11)	Article 58 (11)	Article 58 (11)	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
Annex IV, Table 4, Column 2, Row 121					
G	1421	Article 59	Article 59	Article 59	G
Annex IV, Table 4, Column 2, Row 122					
G	1422	Article 60	Article 60	Article 60	G
Annex IV, Table 4, Column 2, Row 123					
G	1423	Article 61	Article 61	Article 61	G
Annex IV, Table 4, Column 2, Row 124					
G	1424	Article 62	Article 62	Article 62	G
Annex IV, Table 4, Column 2, Row 125					
G	1425	Article 63	Article 63	Article 63	G
Annex IV, Table 4, Column 2, Row 126					
G	1426	Article 64	Article 64	Article 64	G
Annex IV, Table 4, Column 2, Row 127					
G	1427	Article 65	Article 65	Article 65	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
Annex IV, Table 4, Column 2, Row 128					
G	1428	Article 66	Article 66	Article 66	G
Annex IV, Table 4, Column 2, Row 129					
G	1429	Article 67	Article 67	Article 67	G
Annex IV, Table 4, Column 2, Row 130					
G	1430	Article 68	Article 68	Article 68	G
Annex IV, Table 4, Column 2, Row 131					
G	1431	Article 69	Article 69	Article 69	G
Annex IV, Table 4, Column 2, Row 132					
G	1432	Article 70 (1) to (5)	Article 70 (1) to (5)	Article 70 (1) to (5)	G
Annex IV, Table 4, Column 2, Row 133					
G	1433	Article 70 (6)	Article 70 (6)	Article 70 (6)	G
Annex IV, Table 4, Column 2, Row 134					
G	1434	Article 71	Article 71	Article 71	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
	Annex IV, Table 4, Column 2, Row 135				
G	1435	Article 72	Article 72	Article 72	G
	Annex IV, Table 4, Column 2, Row 136				
G	1436	Article 72(5)	Article 72(5)	Article 72(5)	G
	Annex IV, Table 4, Column 2, Row 137				
G	1437	Article 72 (6) to (10)	Article 72 (6) to (10)	Article 72 (6) to (10)	G
	Annex IV, Table 4, Column 2, Row 138				
G	1438	Article 73 (1) to (8)	Article 73 (1) to (8)	Article 73 (1) to (8)	G
	Annex IV, Table 4, Column 2, Row 139				
G	1439	Article 74 (1) to (4)	Article 74 (1) to (4)	Article 74 (1) to (4)	G
	Annex IV, Table 4, Column 2, Row 140				
G	1440	Article 74 (5)	Article 74 (5)	Article 74 (5)	G
	Annex IV, Table 4, Column 2, Row 141				
G	1441	Article 74 (6)	Article 74 (6)	Article 74 (6)	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
	Annex IV, Table 4, Column 2, Row 142				
G	1442	Article 75	Article 75	Article 75	G
	Annex IV, Table 4, Column 2, Row 143				
G	1443	Article 76	Article 76	Article 76	G
	Annex IV, Table 4, Column 2, Row 144				
G	1444	Article 77	Article 77	Article 77	G
	Annex IV, Table 4, Column 2, Row 145				
G	1445	Article 78	Article 78	Article 78	G
	Annex IV, Table 4, Column 2, Row 146				
G	1446	Article 79	Article 79	Article 79	G
	Annex IV, Table 4, Column 2, Row 147				
G	1447	Article 80	Article 80	Article 80	G
	Annex IV, Table 4, Column 2, Row 148				
G	1448	Article 81	Article 81	Article 81	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
Annex IV, Table 4, Column 2, Row 149					
G	1449	Article 82	Article 82	Article 82	G
Annex IV, Table 4, Column 2, Row 150					
G	1450	Article 83	Article 83	Article 83	G
Annex IV, Table 4, Column 2, Row 151					
G	1451	Article 84	Article 84	Article 84	G
Annex IV, Table 4, Column 2, Row 152					
G	1452	Article 85	Article 85	Article 85	G
Annex IV, Table 4, Column 2, Row 153					
G	1453	Article 86	Article 86	Article 86	G
Annex IV, Table 4, Column 2, Row 154					
G	1454	Article 87	Article 87	Article 87	G
Annex IV, Table 4, Column 2, Row 155					
G	1455	Article 88	Article 88	Article 88	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
Annex IV, Table 4, Column 2, Row 156					
G	1456	Article 89	Article 89	Article 89	G
Annex IV, Table 4, Column 2, Row 157					
G	1457	Article 90	Article 90	Article 90	G
Annex IV, Table 4, Column 2, Row 158					
G	1458	Annex I	Annex I	Annex I	G
Annex IV, Table 4, Column 2, Row 159					
G	1459	Annex II	Annex II	Annex II	G
Annex IV, Table 4, Column 2, Row 160					
G	1460	Annex III	Annex III	Annex III	G
Annex IV, Table 4, Column 2, Row 161					
G	1461	Annex IV	Annex IV	Annex IV	G