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MEETING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Energy
Subject:	REPowerEU proposal - Questions related to information obligations and monitoring Chapter III : presentation

Delegations will find in the annex the presentation "REPowerEU proposal - Questions related to information obligations and monitoring Chapter III".



REPowerEU proposal

Questions related to information obligations and monitoring Chapter III

24 July 2025

Content

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1. Differentiation between obligations for all importers & exemptions
2. Clarifications on monitoring process – Authorisation process
3. Workable safeguards:
    a) Default assumption for RU origin for certain points - Art. 7(4)
    b) Clarification for mixtures / “blending” (pro rata approach)
    c) Specific rules for monitoring of transits to and imports from Turkey and Serbia

Recap: Proof of origin – current text

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Article 7

Submission of relevant information by importers

1. Importers of natural gas shall provide customs authorities with all relevant information necessary to implement Articles 3 and 4, in particular appropriate evidence to verify whether the natural gas originates in or is exported directly or indirectly from the Russian Federation.

   For the purposes of application of Article 4, importers of natural gas shall provide customs authorities and other authorities involved in the monitoring pursuant to Article 9 and 10 with appropriate evidence to assess whether the conditions set out in that Article are met.

2. The information referred to in paragraph 1 shall include at least all of the following:

   (a) date; (b) duration; (c) quantities; (d) identities of contracts; (e) producer, country of production/process; (f) LNG – port of first loading; (g) delivery points; (h) changes

=> Detailed obligations under Article 7(2) apply to ALL gas importers

MS Comments: Differentiate Obligations for proof of origin

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=> Current wording of Art. 7 requires **full set of contract information** under Art. 7(2) for all importers

=> MS Comments:

- Realistic for *all importers* to provide all information?
- Or better to differentiate between all importers/importers asking for exemption?

=> Avoid unnecessary barriers to imports from non-Russian sources

Clarification of processes: authorisation (1/2)

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- **Issue:** How to ensure smooth customs operations?
- Possible solution: **Authorisation process**
- **Description:**
  - Obligation to request an authorisation (e.g. at the latest 1 months before import)
  - Checks of the information carried out and authorisation granted by **regulators** or **competent authorities** – MS to decide



Clarification of process: authorisation (2/2)

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Advantages of authorisation process:

- Ensures **efficient *ex ante* control** - avoids “fait accompli” (without ex ante control: => gas may already have entered EU when problem discovered)
- **Not new** – similar rules exist in other areas (e.g. dual use goods)
- **Clarity about responsibilities**:
  - **Information for authorisation =>** authority determined by Member State
  - Presence of authorisation declared via customs declaration
- Gas imports do not happen “ad hoc” – authorisation system is **compatible with gas market rules** (*ex ante* nominations, use of TSO/DSO transparency data etc.)
- Allows to **define import** as 'release for free circulation'

Safeguards

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- False declarations = fraud => *fines, criminal sanctions*; deterrent effect
- **Problem**: ensure compliance with the provision of the Regulation
- **Anti-circumvention safeguards:**
  1. **Default assumption for RU origin for certain points** - Art. 7(4)
  2. **Authorisation** of competent/regulatory authorities to importers and **controls** by customs authorities based on customs declarations
  3. **Clarification for mixtures / "blending"** (pro rata approach)
  4. **Specific instructions**/guidance for monitoring of transits to and imports from **Turkey and Serbia**

Default assumption of RU gas

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1. **Anti-circumvention safeguards:**
   Default assumption: Certain points are of RU origin (current list in Art. 7(4) – recital 22)
   - Update / **correction of list** in At. 7(4) & recital 22
   - Possible **simplification** by referring to *borders* instead of specific entry points
   - How to prove: "***unambiguous evidence***" for non-RU origin or transit? Possible proof:
     - Contract(s) between importer and 3rd country producer, intermediaries
     - Customs documents showing 'transit' through RU
   - Possible inclusion of **LNG loading points**

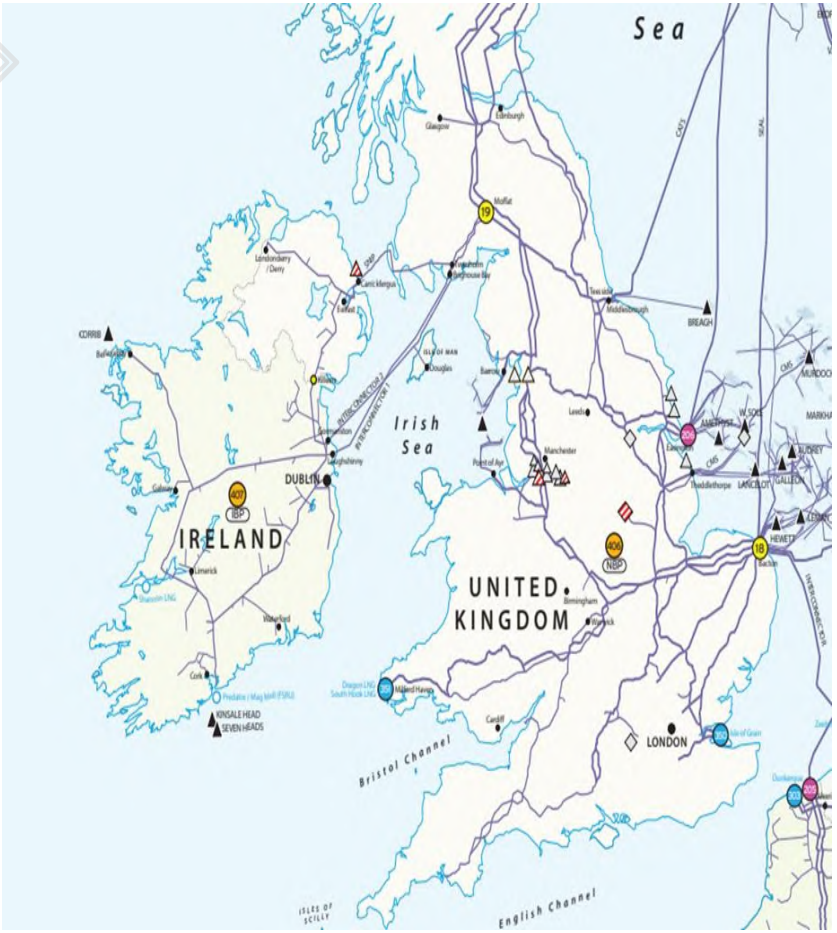
RU gas in exporter system?

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1. Information on origin – how strict?

Anti-circumvention vs deterring non-RU gas

- Option: Distinguish “partner countries”
  - **Less strict proof** of origin for “partner countries” which do not have Russian gas in their system (e.g. UK)
  - **Stricter proof** for countries with Russian gas in their system
- tbd: **Virtual Point**, e.g. in Turkey



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Avoid hidden Russian volumes in imports from mixed origin ("blending")

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- **Current practice** under customs legislation:
  Only one single origin is indicated – "origin" is where the majority of blended gas volumes comes from (or country of processing)
- **Problem**: Possibility to "hide" 49%, e.g. in LNG cargos
  - **Option 1: Prohibit import of mixtures containing RU share**
  - **Option 2: Allow "pro rata" imports** – non-RU part can be imported, if sufficient proof (e.g. for LNG: what has been added where)
- **Problem**: change in the origin of the gas via processing
  - Art 7 (2)(e) requires information on country where gas was further processed

Possible implementation:

- Add paragraph in Art. 7 on treatment of mixtures+ [guidance?/recital?]

Specific rules for “risky” entry points and transit

- Two borders with RU gas in the system: **TR=>BG**, and **RS=>HU**
- Risk of circumvention:
  - Possible imports into the EU after transit
  - Leaking RU gas when transiting EU
- **Transit** (e.g. TR=>RS)
  - Transits through EU are ***not*** **prohibited**
  - **Standard customs rules** governing ‘transit’ prevents “leaking” of RU gas
  - Possibilities to **strengthen monitoring**, e.g. Regular checks by competent actors (e.g. TSOs) to check that entry volume matches exit volume.

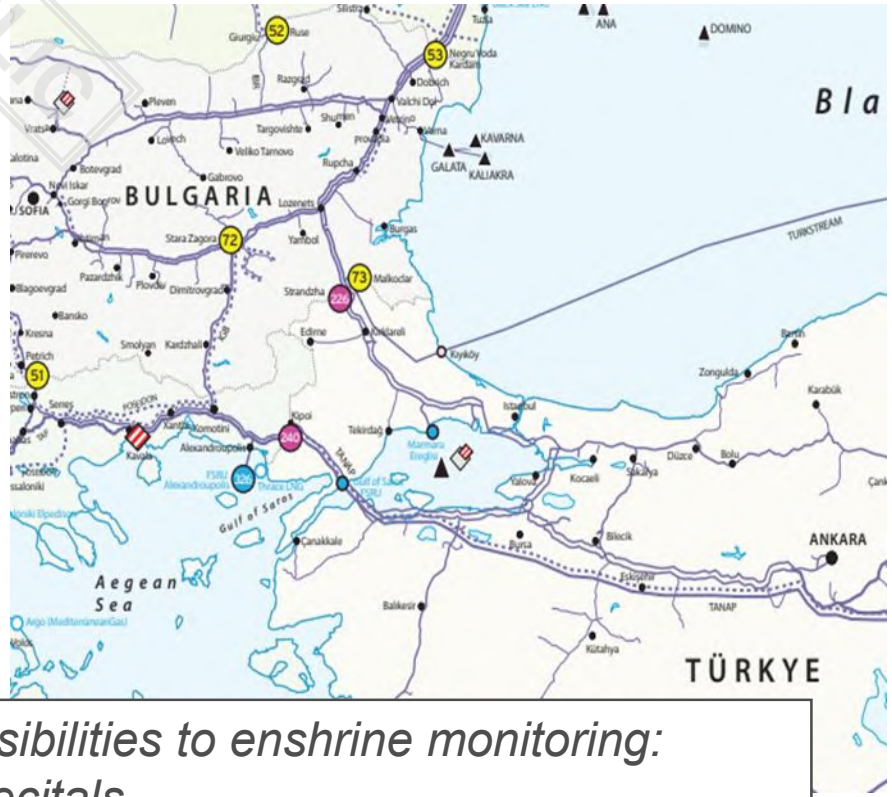


Possibilities to enshrine monitoring:
- *recitals*
- *legal provisions (art. 7, 9, 10)*
- *guidance*

Specific rules for “risk” entry points: Imports from TR/RS

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- RS and TR systems contain significant volumes of RU gas.
- Possibilities to apply **extra checks**:
  - Authorization, plus:
  - **Enhanced cooperation** between competent/reg. and customs authorities to provide authorisation for pipelines [customs declarations arrives ex-post]
  - System of **ex-post check,** based on recorded flows at entry/exit point (esp. for RS->HU – compare imports, exports own consumption,…)



Possibilities to enshrine monitoring:
- *recitals*
- *legal provisions (art. 7, 9, 10)*
- *guidance*

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Thank you



Comments/Questions

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