



Council of the European Union
General Secretariat

Brussels, 11 September 2023

WK 11181/2023 INIT

**DOCUMENT PARTIALLY
ACCESSIBLE TO THE PUBLIC
(10.07.2024)**

LIMITE

**ENER
ENV
CLIMA
IND
RECH
COMPET
ECOFIN
CODEC**

This is a paper intended for a specific community of recipients. Handling and further distribution are under the sole responsibility of community members.

WORKING DOCUMENT

From: General Secretariat of the Council
To: Working Party on Energy

Subject: Suggestions for compromise amendments to Articles 5(6) and 7(7) of the Hydrogen and Gas Regulation

Delegations will find in the Annex suggestions for compromise amendments to Articles 5(6) and 7(7) of the Hydrogen and Gas Regulation.

Delegations are invited to send written comments to the Presidency ([REDACTED]) and to the Secretariat ([REDACTED]) by **15 September 2023**.

WK 11181/2023 INIT

LIMITE

EN

Draft compromise proposal – restriction of gas supplies from Russia

Article 3a – deleted

Article 5(6)

6. Paragraphs 1 to 5 shall be without prejudice to the possibility for Member States to take proportionate measures to temporarily ~~limit~~ restrict gas supplies from Russia, for a fixed term which may be renewed if justified, by limiting up-front bidding for capacity by any single network user at entry points from the Russian Federation or Belarus, where this is necessary to protect their essential security interests and those of the Union, and provided that such measures:

- i. do not unduly disrupt the proper functioning of the internal gas market and cross-border flows of natural gas between Member States, and do not undermine the security of supply of the Union or a Member State
- ii. respect the principle of energy solidarity,
- iii. are taken in compliance with the rights and obligations of the Member States and of the Union with respect to third countries.

Taking into account the need to ensure security of supply in the Union, the measures referred to in the first subparagraph may be aimed at diversifying gas supplies with a view to reducing dependence on Russian gas, where it can be demonstrated that such measures are necessary to protect the essential security interests of the Member States and those of the Union.

Before deciding on a measure referred in the first subparagraph, the Member State concerned shall consult the Commission and, in so far as they are likely to be affected by the measure, other Member States, the Energy Community Contracting Parties, third countries that are Contracting Parties to the Agreement on the European Economic Area, and the United Kingdom of Great Britain and Northern Ireland. The relevant Member States shall take the utmost account of the situation in those Member States and third countries and any concerns raised in that respect by those Member States, third countries or the Commission.

Article 7(7)

7. Paragraphs 1-6 shall be without prejudice to the possibility for Member States to take proportionate measures to temporarily restrict LNG supplies from Russia~~limit~~, for a fixed term which may be renewed if justified, by limiting up-front bidding for capacity by any single network user at LNG terminals for deliveries from the Russian Federation or Belarus, where this is necessary to protect their essential security interests and those of the Union, and provided that such measures:

i. do not unduly disrupt the proper functioning of the internal gas market, and cross-border flows of natural gas between Member States, and do not undermine the security of supply of the Union or a Member State

ii. respect the principle of energy solidarity,

iii. are taken in compliance with the rights and obligations of the Member States and of the Union with respect to third countries.

Taking into account the need to ensure security of supply in the Union, the measures referred to in the first subparagraph may be aimed at diversifying LNG supplies with a view to reducing dependence on Russian gas, where it can be demonstrated that such measures are necessary to protect the essential security interests of the Member States and those of the Union.

Before deciding on a measure referred in the first subparagraph, the Member State concerned shall consult the Commission and, in so far as they are likely to be affected by the measure, other Member States, the Energy Community Contracting Parties, third countries that are Contracting Parties to the Agreement on the European Economic Area, and the United Kingdom of Great Britain and Northern Ireland. The relevant Member States shall take the utmost account of the situation in those Member States and third countries and any concerns raised in that respect by those Member States, third countries or the Commission.