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## **WORKING DOCUMENT**

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From:	General Secretariat of the Council
To:	Working Party on Energy
Subject:	NL comments on suggestions for compromise amendments to Articles 5(6) and 7(7) of the Hydrogen and Gas Regulation (WK 11181/23)

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Delegations will find in the annex the NL comments on suggestions for compromise amendments to Articles 5(6) and 7(7) of the Hydrogen and Gas Regulation (WK 11181/23).

## **Comments of the Netherlands on the draft comprise proposal: restriction of gas supplies from Russia – 13 September 2023**

### 1. Introduction

On the 11<sup>th</sup> of September 2023 the Spanish Presidency circulated a document from the Commission with a draft comprise proposal: restriction of gas supplies from Russia. Delegations were invited to send written comments to the Presidency and to the Secretariat by 15 September 2023.

This document gives the initial, preliminary comments from the Netherlands.

### 2. General comments

- The Netherlands has no principle objections against the restriction of the gas flows from the Russian Federation to the Union. The Netherlands however wonders if the decarbonisation package is the right place to introduce this restriction. In our view, inclusion in an upcoming new sanction package might be more appropriate.
- In order to make a proper assessment of the proposal and its possible impact on the gas security situation of the Union and neighbouring countries, it would be useful if the Commission could provide an overview of the still ongoing gas flows (pipelines and LNG) from the Russian Federation to the Union that might be affected by the proposal and possible alternative sources of gas.
- Both Article 5(6) and Article 7(7) state that the measures that may be taken will be for a fixed period of time. It is however not clear if this fixed period will have a maximum time limit.
- It is also stated in both articles that the measures can be renewed. It is however not clear what consultation procedure will then be followed and if the renewal is also for a fixed period of time.
- Natural gas undertakings that will be affected by the measures will not only have booked capacity at entry points from Russia or Belarus or at LNG terminals. They will also have booked transport capacity further downstream. Will they still have to pay for these capacities, given they can no longer use them, or will they be reimbursed and by whom?

### 2. Comments on Article 5(6)

- As far as pipeline gas is concerned it is up to Member States who have entry points from Russia or Belarus to limit the up-front bidding for capacity at these points. But what if this impacts the gas contracts or gas delivery obligations of natural gas undertakings further downstream? How will the justified interests of these undertakings be taken into account? Therefore, these undertakings need to be consulted as well before any decision is taken and also their concerns need to be taken into account.
- It is not clear what procedure will be followed if one or more of the parties that need to be consulted do not agree with the decision to restrict the gas flow on entry points from Russia or Belarus.

### 3. Comments on Article 7(7)

- As far as LNG supplies are concerned it is up to Member States who have LNG terminals to limit the up-front bidding for capacity at these terminals for network users who receive LNG supplies

from Russia. But what if this impacts the gas contracts and gas delivery obligations of these network users or of the companies for which these network users are gas shippers? How will the justified interests of these undertaking be taken into account? Therefore, these undertakings need to be consulted as well before any decision is taken and also their concerns need to be taken into account.

- It is not clear what procedure will be followed if one or more of the parties that need to be consulted do not agree with the decision to limit the up-front bidding for capacity at LNG terminals in order to restrict the LNG supplies from Russia.

For further information:

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