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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Energy
Subject:	PL comments on solidarity in the Hydrogen and Gas Regulation (WK 12559/23)

Delegations will find in the annex the PL comments on solidarity in the Hydrogen and Gas Regulation (WK 12559/23).

Please find below a technical proposal from the **PL delegation** that clarifies the text in para 3 and 3a (in blue).

3. A solidarity measure shall be taken as a last resort and shall apply only if the requesting Member State has:

(a) declared an emergency state under Article 11;

*(b) not been able to cover the deficit in gas supply to its solidarity protected customers despite the application of the measure referred to in Article 11(3) **or, where a Member State has taken temporary measures to reduce the non-essential consumption of protected customers in accordance with Article 11(7a), the essential volumes of consumption of gas to its solidarity protected customers;***

(c) exhausted all market-based measures ('voluntary measures'), all non-market based measures ('mandatory measures') and other measures contained in its emergency plan;

*(d) notified an explicit request to the Commission and to the competent authorities of all Member States with which it is connected either directly or pursuant to paragraph 2 via a third country **or another Member State**, accompanied by a description of the implemented measures referred to in point (b) of this paragraph;*

The measures referred to in this article are without prejudice to the right of the MSs to independently decide on the introduction of measures to reduce the non-essential consumption of protected consumers.

[(3a) The Member States which are obliged to provide solidarity pursuant to paragraph 1 shall be entitled to deduct from the solidarity offer the supplies to its solidarity protected customers to the extent essential volumes are affected or, where a Member State has taken temporary measures to reduce the non-essential consumption of protected customers in accordance with Article 11(7a), the supplies of the essential volumes of consumption of gas of its solidarity protected customers.]