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CONTRIBUTION

From:	General Secretariat of the Council
To:	Working Party on Energy
Subject:	IT comments on solidarity in the Hydrogen and Gas Regulation (WK 14252/23)

Delegations will find in the annex the IT comments on solidarity in the Hydrogen and Gas Regulation (WK 14252/23).

IT written comments

Presidency compromise proposal on solidarity in the Hydrogen and Gas Regulation

- Doc. WK 1 4252/2023 -

With regard to the Presidency compromise proposal, we appreciate the efforts done in view of a compromise on art. 13 stating default rules where bilateral agreements between Member States are not in place.

We have at the same time highlight some comments from our side, answering to your questions:

1. Would be the compromise proposal in the Annex a good base for discussion in trilogues?

Yes, it could be a good basis, even though some amendments should improve it in our view:

- with regard to Article 13 **paragraph 8a** we have some concern with the subparagraph regarding the price for the gas supplied to the Member State requesting solidarity, where no bilateral agreement is signed. There is a risk that the provided price formula is not representative of the reality, given that the reference to the gas price of days preceding the solidarity request could give rise to a price very different from the one reflecting a situation of malfunctioning of the market, as it is in the day of the solidarity request; we also suggest adding between solidarity costs listed the costs of restoring gas from strategic storages possibly used during the solidarity.

2. In relation to the involvement of non-directly connected Member States, would be acceptable to explore a voluntary mechanism as described above in point d) in the case it is completely necessary to complement the solidarity mechanism?

The extension of the possibility of requesting solidarity to a Member State by a Member State connected via another Member State seems to be a burdensome provision and certainly increases the complexity of the solidarity mechanism that must be managed by the TSOs and whose responsibility ultimately lies with the Member States.