



Council of the European Union  
General Secretariat

Brussels, 13 March 2023

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**Interinstitutional files:**

**2021/0424 (COD)**

**2021/0425 (COD)**

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**WK 3484/2023 INIT**

**LIMITE**

**ENER**

**ENV**

**CLIMA**

**IND**

**RECH**

**COMPET**

**ECOFIN**

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**CONTRIBUTION**

|          |                                        |
|----------|----------------------------------------|
| From:    | General Secretariat of the Council     |
| To:      | Working Party on Energy                |
| Subject: | IT comments on the Gas package (REV 5) |

Delegations will find in the annex the IT comments on the Gas package (REV 5).

## IT COMMENTS

### **Directive and Regulation proposals on the internal markets for renewable and natural gases and for hydrogen**

With reference to Directive and Regulation proposals on the internal markets for renewable and natural gases and for hydrogen, please find below the Italian comments to REV 5.

Please note that **comments already sent to REV4 remain valid**, in particular with regard to art. 62 on ownership unbundling. Here, we would like to stress the need to keep flexibility on unbundling models, allowing until 2030 (or until a subsequent fixed date) also TSOs already certified under ownership unbundling to be active in hydrogen production according to the ITO model; after this period, derogation from ownership unbundling model should be assessed by NRA.

#### **On REV 5**

- **Article 49 Directive.** We have a strong preference for the previous wording of the article, as the current proposals seems to undermine the rights of Member States by preventing them to engage in negotiations with third countries. Hence, we propose to keep the REV 4 version of the article, or otherwise to delete the whole article.
- **Articles 5.6 and 7.7 Regulation.** We reserve the right to carry out an internal check on these two provisions.
- **Article 19 Regulation.** It provides for coordination between Member States to avoid gas flow restrictions at interconnection points due to gas quality; the ad hoc procedure also applies when the flow restriction is due to hydrogen blending in the network, where this blending is below the 2% threshold. We suggest to modify the text by reintroducing the threshold at 5%.

Please note that the above comments are without prejudice to further comments we might raise during the next steps of the negotiation, in particular in view of next Coreper.